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Mayor Timothy M. Keller

CITY OF ALBUQUERQUE

Albuquerque, New Mexico

Planning Department

INTER-OFFICE MEMORANDUM

March 1, 2022

TO: Isaac Benton, President, City Council

FROM: Alan Varela, Planning Director [Alan Varela](#)
Alan Varela (Mar 1, 2022 11:50 MST)

SUBJECT: AC-22-2, PR-2021-006176, VA-2022-00018, VA-2021-00399:
Kim Murphy, Altura Real Estate LLC, agent for Kevin Murphy, and Kelli Judkins-Cooper appeals the Zoning Hearing Examiners decision to approve a Conditional Use to allow an accessory dwelling unit without a kitchen for Lot 1, Block N, Netherwood Park 1st Replat, located at 2702 Morrow RD NE, zoned R-1D [Section 14-16-4-3(F)(5)(g)]

OVERVIEW

Kylie and Zephyr Renner requested a Conditional Use to allow an accessory dwelling unit without a kitchen for a lot located at 2702 Morrow RD NE. The request was scheduled and heard at the December 21, 2021 public hearing.

January 5, 2022 the Zoning Hearing Examiner (ZHE) approved the request.

January 20, 2022 an appeal of approval was filed by Kim Murphy, Altura Real Estate LLC, agent for Kevin Murphy, and Kelli Judkins-Cooper.

BASIS FOR APPEAL

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

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

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

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

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

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

STAFF RESPONSE

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

1. The decision was not supported by substantial evidence (6-4.V.4.b).

The Applicant's proposed use the accessory building is described in various places as "live-work", "dedicated work from home" and "home office" use. Neither the Applicant nor the Planning Department have reconciled these proposed uses with the accessory dwelling unit without kitchen request/approval. Live-work is not allowed in R-1 and home office is both subordinate to the primary residential use and limited in scale and intensity, neither of these standards have been met.

Finally, the consideration and approval of the request as an "accessory dwelling", especially without conditions, ignores Applicant's stated purpose and the facts of the situation, including use of the primary dwelling as a short-term rental with two (2) units (up to 10 occupants and 20 person gathering) and for religious services open to the public.

- *The application was submitted as a CU for an accessory dwelling unit without a kitchen. Notice was given for an accessory dwelling unit.*
- *An accessory dwelling unit is a permissive accessory use in the R-1 zone district.*
- *The use is accessory to a primary single-family detached dwelling and the activity proposed is not believed to be a commercial service carried out for profit.*
- *The approval granted is to allow an accessory dwelling unit. The applicant must still meet the use-specific requirements for Home Occupation which includes a business registration permit from the City.*
- *Upon permit review by the Zoning Enforcement Officer as to legality under Chapter 14, Article 16, Zoning Code, of the activity proposed to be conducted at the given address, a statement as to the determination or questions which need to be resolved before a determination can be made shall be appended to the Business Registration Receipt prior to its delivery to the applicant.*

Decision fails to demonstrate consideration of significant adverse impacts (Finding #9)

The Decision fails to provide any objective evidence that this criterion was met and Applicant's statement that the proposal "would in fact enhance property values of neighboring parcels" is spurious and unfounded.

- *The ZHE stated in Finding #9 that, "Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community. Specifically, Agent testified and confirmed in written submittals that the requested Conditional Use approval would not create any adverse impact and would in fact enhance property values*

of the subject site and thereby to the neighboring parcels. Although some community members spoke in opposition to the Application, citing AirBnB uses, a mirror placed on a utility pole, and home business uses, it appears from testimony by Applicant that Applicant is in compliance with all regulations regarding AirBnB and home business uses of the Subject Property, and the mirror is not germane to the Application.”

Decision fails to demonstrate consideration of material adverse impacts on other land in the surrounding area (Finding #10)

The Decision fails to provide any objective evidence that this criterion was met, especially in light of the regular, weekly religious services conducted at the Subject Property.

- *The ZHE stated in Finding #10 that, “Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval will not create material adverse impacts on other land in the surrounding area, through increases in traffic congestion, parking, congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts. Specifically, Agent testified and confirmed in written submittals that the requested Conditional Use approval would not create any adverse impact and would not increase traffic congestion, parking, congestion, noise, or vibration. Also, Applicant is providing for off-street parking as required by the IDO.”*

2. An error has been made in applying the requirements of the IDO or Plan or Policy (6-4.V.4.c).

Decision does NOT comply with ABC Comprehensive Plan (Finding #7)

Netherwood Park is a well-established, distinctive neighborhood that should be protected and preserved (Comp Plan Land Use Guiding Principle). Finding #7 wrongfully (and gratuitously, the Appellants believe) cites only Policy 5.2.1f “create healthy sustainable communities with a mix of uses that are conveniently accessible from surrounding neighborhoods” as the justification for the decision, and provides no evidence of having met that criterion stating: the proposal creates “an attractive and harmoniously designed accessory structure”. In fact, Comp Plan Policy 5.2.1(e) applies to large-scale development and redevelopment activities broadly across the City and is not applicable to the subject request. Netherwood Park is not protected or preserved by the proposal.

- *The ZHE stated in Finding #7 that, “Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval is consistent with the ABC Comp. Plan, as amended. Specifically, it appears from Applicant’s testimony and evidence that the community would benefit from an attractive and harmoniously designed accessory structure to allow uses compatible with single family dwellings demonstrates that the requested Conditional Use approval would help “create healthy, sustainable communities with a mix of uses that are conveniently accessible from surrounding neighborhoods” as stated as a goal in ABC Comp. Plan Policy 5.2.1.”*

The Appellants’ fundamental contention is that the Applicant’s request should have been evaluated based their business use of the Subject Property, specifically whether the use of the accessory building meets the limits of “home occupation”, which Appellants’ believe it does not. The evaluation and approval Applicant’s request as an “accessory dwelling”, especially without

conditions constitutes a serious error.

- *14-16-4-3(F)(9)(a):The operator must obtain and maintain in effect at all times any City or State permit or license required for the operation of this use, including a business registration permit from the City.*
- *Home Occupations are subject to use-specific standards as listed in 14-16-4-3(F)(9) and the use does not appear to be prohibited.*
- *Upon acceptance of an initial business registration application for a given business, the Mayor shall convey the application to the Zoning Enforcement Officer. Upon its review by the Zoning Enforcement Officer as to legality under Chapter 14, Article 16, Zoning Code, of the activity proposed to be conducted at the given address, a statement as to the determination or questions which need to be resolved before a determination can be made shall be appended to the Business Registration Receipt prior to its delivery to the applicant.*

/ Lorena Patten-Quintana /

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

AC-22-2 (002)

Final Audit Report

2022-03-01

Created:	2022-03-01
By:	Lucinda Montoya (lucindamontoya@cabq.gov) Signed
Status:	CBJCHBCAABAAbK38yZOk4sUK1eYDcYVavOTi4SFE-9Ez
Transaction ID:	

"AC-22-2 (002)" History

-  Document created by Lucinda Montoya (lucindamontoya@cabq.gov)
2022-03-01 - 4:55:22 PM GMT- IP address: 143.120.133.160
-  Document emailed to Alan Varela (avarela@cabq.gov) for signature
2022-03-01 - 4:55:35 PM GMT
-  Document e-signed by Alan Varela (avarela@cabq.gov)
E-signature obtained using URL retrieved through the Adobe Sign API
Signature Date: 2022-03-01 - 6:50:57 PM GMT - Time Source: server- IP address: 143.120.133.65
-  Agreement completed.
2022-03-01 - 6:50:57 PM GMT



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

Kylie and Zephyr Renner request a conditional use to allow an accessory dwelling unit without a kitchen for Lot 1, Block N, Netherwood Park 1st Replat, located at 2702 Morrow RD NE, zoned R-1D [Section 14-16-4-3(F)(5)(g)]

Special Exception No:..... **VA-2021-00399**
Project No: **Project#2021-006176**
Hearing Date: 12-21-21
Closing of Public Record: 12-21-21
Date of Decision: 01-05-22

On the 21st day of December, 2021, property owners Kylie and Zephyr Renner (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow an accessory dwelling unit without a kitchen (“Application”) upon the real property located at 2702 Morrow RD NE (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a conditional use to allow an accessory dwelling unit without a kitchen.
2. The City of Albuquerque Code of Ordinances Section 14-16-6-6(A)(3) (Review and Decision Criteria– Conditional Use) reads: “*An application for a Conditional Use Approval shall be approved if it meets all of the following criteria:*”
 - 6-6(A)(3)(a) *It is consistent with the adopted ABC Comp Plan, as amended.*
 - 6-6(A)(3)(b) *It complies with all applicable provisions of this IDO, including but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in a prior permit or approval affecting the property, or there is a condition of approval that any Variances or Waivers needed to comply with any of these provisions must be approved or the Conditional Use Approval will be invalidated pursuant to Subsection (2)(c)2 above.*
 - 6-6(A)(3)(c) *It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community.*
 - 6-6(A)(3)(d) *It will not create material adverse impacts on other land in the surrounding area through increases in traffic congestion, parking congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts.*
 - 6-6(A)(3)(e) *On a project site with existing uses, it will not increase non-residential activity within 300 feet in any direction of a lot in any Residential zone district between the hours of 10:00 P.M. and 6:00 A.M.*
 - 6-6(A)(3)(f) *It will not negatively impact pedestrian or transit connectivity without appropriate mitigation.*

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. Agent appeared and gave evidence in support of the application.
6. All property owners within 100 feet and affected neighborhood association(s) were notified.
7. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval is consistent with the ABC Comp. Plan, as amended. Specifically, it appears from Applicant's testimony and evidence that the community would benefit from an attractive and harmoniously designed accessory structure to allow uses compatible with single family dwellings demonstrates that the requested Conditional Use approval would help "create healthy, sustainable communities with a mix of uses that are conveniently accessible from surrounding neighborhoods" as stated as a goal in ABC Comp. Plan Policy 5.2.1.
8. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval complies with all applicable provisions of the IDO, including, but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in any prior permit or approval affecting the property. Specifically, Agent testified and confirmed in written submittals that the requested Conditional Use approval would comport with all applicable requirements. No prior permits or approvals apply.
9. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community. Specifically, Agent testified and confirmed in written submittals that the requested Conditional Use approval would not create any adverse impact and would in fact enhance property values of the subject site and thereby to the neighboring parcels. Although some community members spoke in opposition to the Application, citing AirBnB uses, a mirror placed on a utility pole, and home business uses, it appears from testimony by Applicant that Applicant is in compliance with all regulations regarding AirBnB and home business uses of the Subject Property, and the mirror is not germane to the Application.
10. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval will not create material adverse impacts on other land in the surrounding area, through increases in traffic congestion, parking, congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts. Specifically, Agent testified and confirmed in written submittals that the requested Conditional Use approval would not create any adverse impact and would not increase traffic congestion, parking, congestion, noise, or vibration. Also, Applicant is providing for off-street parking as required by the IDO.
11. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval will not increase non-residential activity within 300 feet of a lot in any residential zone district between the hours of 10:00 pm and 6:00 am. Specifically, Agent testified that non-residential activity would not increase in any prohibited manner.

12. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval will not negatively impact pedestrian or transit connectivity without appropriate mitigation. Specifically, Agent testified that no negative impact on pedestrian or transit connectivity would result.
13. The City Traffic Engineer submitted a report stating no objection to the Application.
14. Applicable Use-Specific Standards are listed in IDO Section 13-16-4-3(F)(5). Applicant testified that the requested Conditional Use approval would comport with all Use-Specific standards.

DECISION:

APPROVAL of a conditional use to allow an accessory dwelling unit without a kitchen.

APPEAL:

If you wish to appeal this decision, you must do so by January 20, 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
Kylie and Zephyr Renner, revkylie@gmail.com
Kevin Murphy,
Ana Maria amagoncas@gmail.com
Kelli Judkins-Cooper, kellijc.kjc@gmail.com
Ross Casey, rosscasey@gmail.com
Todd Hinson, 2630 Morrow RD NE



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"/> Alternative Landscape Plan (Form P3)	<input type="checkbox"/> Demolition Outside of HPO (Form L)	<input type="checkbox"/> Annexation of Land (Form Z)
<input type="checkbox"/> Minor Amendment to Site Plan (Form P3)	<input type="checkbox"/> Historic Design Standards and Guidelines (Form L)	<input type="checkbox"/> Amendment to Zoning Map – EPC (Form Z)
<input type="checkbox"/> WTF Approval (Form W1)	<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: Kevin Murphy	Kelli Judkins-Cooper	Phone: 505-239-4235
Address: 2401 Ada Place NE	2701 Morrow Rd. NE	Email: kevin@altura-real-estate.com
City: Albuquerque	Albuq	State: NM
Professional/Agent (if any): Kim Murphy, Altura Real Estate LLC		Zip: 87106
Address: 8633 Kacey Lane SW		Phone: 505-610-1001
City: Albuquerque		Email: kim@altura-real-estate.com
State: NM		Zip: 87105
Proprietary Interest in Site: NA	List all owners:	

BRIEF DESCRIPTION OF REQUEST

Appeal of ZHE Decision VA-2021-00399 (conditional use)
2702 Morrow Rd. NE

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

Lot or Tract No.: Lot 1	Block: N	Unit:
Subdivision/Addition: Netherwood Park 1st Replat	MRGCD Map No.: NA	UPC Code: 101605918501530801
Zone Atlas Page(s): H-16	Existing Zoning: R-1D	Proposed Zoning: NA
# of Existing Lots: NA	# of Proposed Lots: NA	Total Area of Site (acres): 0.23 ac

LOCATION OF PROPERTY BY STREETS

Site Address/Street: 2702 Morrow Rd NE Between: Princeton Dr. and: Vassar Dr.

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

VA-2021-00399 Project No. 2021-006176

Signature: Kim D. Murphy Date: 1-20-2022
Printed Name: Kim D. Murphy Applicant or Agent

FOR OFFICIAL USE ONLY

Case Numbers	Action	Fees	Case Numbers	Action	Fees

Meeting/Hearing Date: Fee Total:
Staff Signature: Date: Project #

Appeal of Conditional Use Decision by ZHE- 2702 Morrow NE

Appellants: Kevin Murphy, 2401 Ada Place NE
Kelli Judkins-Cooper, 2701 Morrow Rd. NE

Project Number: 2021-006176

Application Number: VA-2021-00399

Decision Being Appealed: City Zoning Hearing Examiner (“ZHE”) Decision dated January 5, 2022 regarding conditional use to allow an accessory dwelling unit without a kitchen (Kylie and Zephyr Renner, Lot 1, Block N, Netherwood Park, 1st Replat located at 2702 Morrow NE); Referred to herein as the Subject Property.

Appellants’ Agent: Kim D. Murphy, Altura Real Estate, LLC (see Exhibit “A” for authorization letter)

Appellants’ Standing: a) Appellants provided written comments to the City Planning Department and/or oral testimony at the City ZHE public hearing [Section 14-16-6-4(V)(2)(b) of the City’s Integrated Development Ordinance (“IDO”)],

b) Appellant Judkins-Cooper is a property owner who resides within 330 feet of the Subject Property [Section 14-16-6-4 (V)(2)(a)(5) of the IDO] , and

c) Appellants’ property rights and/or other legal rights have been specially and adversely affected by the decision [Section 14-16-6-4(V)(2)(a)(4) of the IDO]

Appellants’ Basis for the Appeal:

The City Planning Department determined that the request should be processed as an accessory use for a “dwelling unit without kitchen”, while the Applicant refers to the request as an approval of an accessory building for “home offices with a utility room”. This discrepancy in characterizations of the request between official City documents and the Applicant’s communication was never acknowledged, discussed or resolved by the Planning Department or the ZHE. (See Exhibit “B”)

The City’s Integrated Development Ordinance permits accessory buildings for a home occupation; however, the Use-specific Standards for home occupation provide limits as to use, scale and potential impact (4-3.F.9). The dwelling unit, accessory without kitchen approval (4-3.F.5.g) assumes that the accessory building will be used for residential purposes, not business uses as requested by the Applicant.

Appellants believe that Applicant’s current and proposed use of the Subject Property is essentially **quasi-commercial** and that the business uses of the property were not given proper consideration by the Planning Department or the ZHE (See Exhibit “C”).

The need for the accessory dwelling, according to Applicant's testimony, is driven by the Applicant's desire to expand the business use of the property (religious services and short-term rentals, including support functions thereto, e.g. offices and utility room), and not related to the residential use of the primary dwelling.

This point needs to be emphasized: the Applicant was not forthcoming about their justification for the accessory building, and only disclosed the fact that the primary dwelling is used as a short-term rental (maximum occupancy of 10 & 20 person gatherings) and that the Subject Property is used for routine, weekly religious services open to the public until questioned during the ZHE Hearing. Only through this questioning did the Appellants learn of the true nature and scope of the accessory building: namely that it is related to these business uses and not residential use.

Further, the Appellants believe that if these business uses were fully evaluated, the City would have concluded that they go way beyond that of a customary home occupation and are not ancillary to the primary residential dwelling.

Therefore, the Applicant's requested use, either as a dwelling unit without kitchen or as a home office with utility, should be denied as not being a residential use accessory to the primary dwelling, in the first instance or as not meeting the requirements of home occupation, in the second instance. If the subject approval were to stand, the Applicant could make use of the accessory building for unlimited business-related activities to the detriment of the Appellants, neighbors and the public.

Appellant intends to provide written argument of its position based on both the existing record, as well as new evidence.

Finally, with respect to the criteria for review of an appeal, the Appellants believe that the decision:

1. Was not supported by substantial evidence (6-4.V.4.b).

Decision does NOT comply with the IDO (Finding #8)

The Applicant's proposed use of the accessory building is described in various places as "live-work", "dedicated work-from-home" and "home office" use. Neither the Applicant nor the Planning Department have reconciled these proposed uses with the accessory dwelling unit without kitchen request/approval. Live-work is not allowed in R-1 and home office is both subordinate to the primary residential use and limited in scale and intensity, neither of these standards have been met.

Finally, the consideration and approval of the request as an "accessory dwelling", especially without conditions, ignores Applicant's stated purpose and the facts of the

situation, including use of the primary dwelling as a short-term rental with two (2) units (up to 10 occupants and 20 person gathering) and for religious services open to the public.

Decision fails to demonstrate consideration of significant adverse impacts (Finding #9)

The Decision fails to provide any objective evidence that this criterion was met and Applicant's statement that the proposal "would in fact enhance property values of neighboring parcels" is spurious and unfounded.

Decision fails to demonstrate consideration of material adverse impacts on other land in the surrounding area (Finding #10)

The Decision fails to provide any objective evidence that this criterion was met, especially in light of the regular, weekly religious services conducted at the Subject Property.

2. An error has been made in applying the requirements of the IDO or Plan or Policy (6-4.V.4.c).

Decision does NOT comply with ABC Comprehensive Plan (Finding #7)

Netherwood Park is a well-established, distinctive neighborhood that should be protected and preserved (Comp Plan Land Use Guiding Principle). Finding #7 wrongfully (and gratuitously, the Appellants believe) cites only Policy 5.2.1(e) "*create healthy, sustainable communities with a mix of uses that are conveniently accessible from surrounding neighborhoods*" as the justification for the decision, and provides no evidence of having met that criterion stating: the proposal creates "*an attractive and harmoniously designed accessory structure*". In fact, Comp Plan Policy 5.2.1(e) applies to large-scale development and redevelopment activities broadly across the City and is not applicable to the subject request. Netherwood Park is not protected or preserved by the proposal.

The Appellants' fundamental contention is that the Applicant's request should have been evaluated based their business use of the Subject Property, specifically whether the use of the accessory building meets the limits of "home occupation", which Appellants' believe it does not. The evaluation and approval Applicant's request as an "accessory dwelling", especially without conditions constitutes a serious error.

Appellents' Request: Appellants request that the LUHO review and consider the following relative to the accessory use/building request:

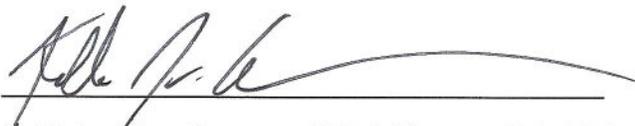
- Applicant's use of primary dwelling as a short-term rental containing two (2) units ("STR")
- Applicant's use of the Subject Property for regular gatherings involving the public for community and/or religious purposes
- Nature and scale of Applicant's other possible business-related functions on the property, especially those proposed for the accessory building, and
- Policy implications for allowing an accessory dwelling to support business activities related to the STR use of the primary dwelling, which could proliferate the use of accessory buildings for such purposes throughout the City if the ZHE Decision were to stand

ZHE Decision: See Exhibit "D"

Respectfully submitted this 14th day of January, 2022 by the following through Kim D. Murphy of Altura Real Estate LLC:



Kevin Murphy, 2401 Ada Pl. NE



Kelli Judkins-Cooper, 2701 Morrow Rd. NE

Cc: Bill Gannon, President, Netherwood Park Neighborhood Association

Exhibit "A"

Authorization Letter between Appellants and Kim D. Murphy of Altura Real Estate, LLC
dated January 14, 2022

Altura Real Estate, LLC

Kim D. Murphy, Principal
kim@altura-real-estate.com

January 14, 2022

RE: Appeal of Zoning Hearing Examiner Decision (January 5, 2022)
Conditional use to allow an accessory dwelling unit without a kitchen for
Lot 1, Block N, Netherwood Park 1st Replat, located at 2702 Morrow Rd.
NE (Kylie and Zephyr Renner; Special Exception No. VA-2021-00399)

To Whom It May Concern:

The signatories below authorize Kim D. Murphy of Altura Real Estate, LLC to represent them, individually and collectively, in the matter referenced above.


Kevin Murphy, 2401 Ada Pl. NE


Kelli Judkins-Cooper, 2701 Morrow Rd. NE

Exhibit "B"

City Planning Form: Request for Special Exception (Conditional use for accessory dwelling without kitchen) dated October 14, 2021

City Planning Form: Request for Neighborhood Meeting (Conditional use for accessory dwelling unit without kitchen) dated October 15, 2021

Applicant's Email to Neighborhood Associations (Conditional use for home offices and a utility room) dated October 15, 2021

Applicant's Justification Letter (Conditional use for home offices and utility room) dated October 18, 2021

City Notification Sign for ZHE Public Hearing (Conditional use for accessory dwelling without kitchen) to be held on December 21, 2021 posted October 16, 2021

Note: City Planning has consistently referred to this request as "Conditional use for accessory dwelling unit without kitchen", while the Applicant has consistently referred to it as "Conditional use for home office with utility".

Sanchez, Suzanna A.

From: Sanchez, Suzanna A.
Sent: Friday, October 15, 2021 11:17 AM
To: zephyr.renner@gmail.com; zephyr.renner@gmail.com
Subject: ZHE Information for 2702 Morrow Rd NE
Attachments: STEPS TO APPLY FOR A SPECIAL EXCEPTION APRIL 2021.docx; 1. Letter to Neighborhood Association.pdf; CONDITIONAL USE JUSTIFICATION APRIL 2021.pdf; PRE-APPLICATION REVIEW FORM.PDF

Importance: High

Dear Applicant,

Please fill in the Pre-Application Review Form and return to me before next Wednesday.

Attached are forms and instructions to complete your application for a conditional use. Please pay special attention to Step 3 in the "STEPS TO APPLY" document. These materials are required for a complete submittal. Requests will not be set for a hearing or reviewed for compliance until the application submittal is complete.

Please fill in and forward the attached Letter to Neighborhood Association to the list of neighborhood association contacts below. 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	State	Zip
North Campus NA	Sara	Koplik	sarakoplik@hotmail.com	1126 Stanford NE	Albuquerque	NM	87106
North Campus NA	Tim	Davis	tdavisnm@gmail.com	2404 Hannett NE	Albuquerque	NM	87106
Netherwood Park NA	William	Gannon	wgannon@unm.edu	1726 Notre Dame NE	Albuquerque	NM	87106
Netherwood Park NA	Sara	Mills	saramills@comcast.net	2629 Cutler Avenue NE	Albuquerque	NM	87106

Please forward me the items below at your earliest convenience.

- Justification letter
- Photo
- Site Plan

If you have questions, please contact me.

Thank you,

Suzie

REQUEST FOR NEIGHBORHOOD MEETING

Date: 10/15/21

To Whom This May Concern:

I am requesting approval from the Zoning Hearing Examiner within the City of Albuquerque for a conditional use or variance to allow an accessory dwelling unit without a kitchen

_____ (summary of request).

Property owner Kylie and Zephyr Renner

Agent if applicable _____

Property Address 2702 Morrow RD NE, Albuquerque, NM, 87106 (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 Kylie and Zephyr Renner

Email zephyr.renner@gmail.com

Phone Number 505-307-8064

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: Zephyr Renner <zephyr.renner@gmail.com>
Sent: Friday, October 15, 2021 1:40 PM
To: sarakoplik@hotmail.com; tdavisnm@gmail.com; wgannon@unm.edu; saramills@comcast.net
Cc: Kylie Renner
Subject: Request for Neighborhood Meeting- Conditional Use Application 2702 Morrow Rd NE
Attachments: SITE001-SITE_PL.pdf; A002-ELEVATIONS.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Neighbors,

We are planning to add a Mid-Century Modern inspired butterfly roofed accessory building in our rear yard to be used as our home offices and a utility room. We are really excited about how well it will fit with the renovations we have already done, and how it will welcome people to our neighborhood on our very visible corner. Zoning considers this a conditionally permitted use so we have a process to follow. We are attaching the required forms, as well as our site plan and elevations for the project, as well as a photo of the area we plan to build in (not many people realize how large this corner lot is). We are happy to answer any questions and talk more about our plans. Thank you for your time.

Kind regards,
Zephyr and Kylie Renner
505(307)-8064



_Conditional Use Neighborhood Meeting.pdf



CONDITIONAL USE JUSTIFICATION LETTER

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

RE: Request for a Conditional Use to allow an accessory building to be built and used as home offices and a utility room at 2702 Morrow Rd NE.

(a) It is consistent with the adopted ABC Comprehensive Plan because:

It is in accordance with the guiding values, contributing to a strong neighborhood, restoring a previously neglected portion of the lot with prime neighborhood visibility onto Indian School Rd., creating a live/work environment that respects the architectural idea of a upside down "butterfly roof" pioneered in mid century modern era and character of the neighborhood.

(b) It complies with all applicable provisions of this IDO, including but not limited to any Use-Specific Standards applicable to the use in Section 14-6-4-3, because:

It creates a dedicated work from home space for us creating no nuisance conditions as it literally moves the work we do to a dedicated space and of course our businesses are fully licensed.

(c) It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community because:

There will be a significant positive impact turning a highly visible and previously neglected area of our property into something consistent with neighborhood's architectural style. It is also consistent with the placement of auxiliary buildings all along the Indian School Rd corridor between Girard and Harvard including our two most immediate neighbors on Morrow.

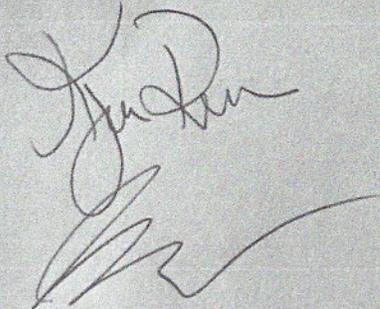
(d) It will not create material adverse impacts on other land in the surrounding area through increases in traffic congestion, parking congestion, noise, or vibration because:

It reduces traffic congestion by creating work from home space and adds additional off street parking reducing parking congestion and adds no nuisance conditions.

(e) On a project site with existing uses, it will not increase non-residential activity within 300 feet in any direction of a lot in any Residential zone district between the hours of 10:00PM and 6:00AM because:

All uses will be residential around the clock and will not increase any non-residential activity. (We sleep from 10PM to 6AM!)

(f) It will not negatively impact pedestrian or transit connectivity because: It creates no changes to any existing sidewalks or roads and does not add traffic to either and therefore has no adverse impacts.



10-18-21

10-18-21

SPECIAL EXCEPTION REQUEST

A conditional use to allow for an accessory dwelling w/o a kitchen at 2702 Morrow Rd NE

PRESENT ZONE R-1D

The Zoning Hearing Examiner of the City of Albuquerque will hold a public hearing ~~in the~~ Via Zoom Call 505-924-3894 for details ~~600 2nd St. NW,~~ on December 21, 2021 at 9:00 AM and such additional dates as may be duly established. All persons have the right to appear at such hearing. For information on this case or other instructions on filing written comments, call the City at (505) 924-3860.

Required to be posted from Dec. 6, 2021 to Jan 20, 2022
by Kylie & Lephyr Renner 505-307-9064
applicant/agent phone

REFER TO FILE# VA-2021-00399 PR-2021-006197

It is illegal for an unauthorized person to remove or tamper with this sign

Exhibit "C"

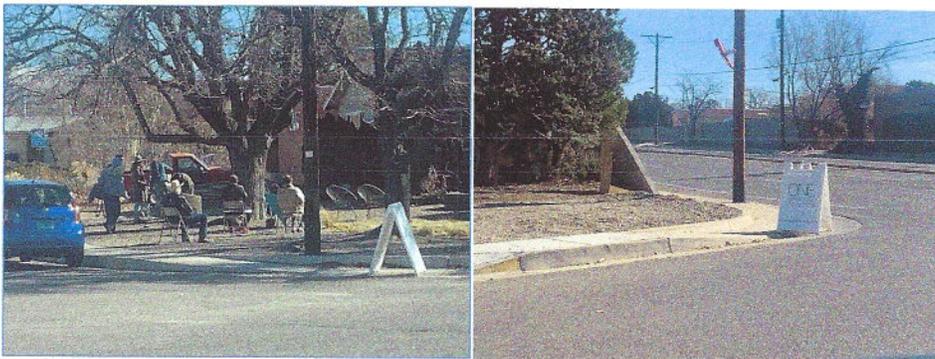
Appellants contend that the Applicants:

- a) are and have been using the Subject Property for **quasi-commercial** purposes which exceed that allowed under the definition of "home occupation" as set forth in the City's Integrated Development Ordinance ("IDO")
- b) that the nature and scale of these uses were not disclosed by the Applicant in its Application to the Planning Department or examined in the Case before the Zoning Hearing Examiner, and
- c) that Applicant's request for approval of an accessory building on the Subject Property is driven entirely by Applicant's need to accommodate and expand these **quasi-commercial** uses.

Further, Appellants have received a copy of a recent statement made by Applicant Renner delivered to Netherwood Park Neighborhood Association wherein the Applicant claims that the Case before the ZHE, although approved, is no longer relevant since they believe they already have approval for an accessory building, presumably obtained from the Code Enforcement and Zoning Division. Appellants are concerned that the Applicant is attempting to "game" the planning process, with incomplete, inaccurate and misleading information, to achieve their objective of accommodating and expanding the **quasi-commercial** use of the Subject Property.

The Appellants argue that Applicant's **quasi-commercial** use of the subject property includes:

- a) Holding regular, weekly religious services open to the public (pictures taken 1-9-22; note signs advertising services open to the public)



View from Morrow & Princeton

View from Princeton & Indian School

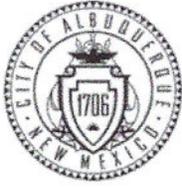
- [Rev. Kylie Renner | ONE Spiritual Center](#)
- [Rev. Kylie Renner Better 6 20 21 - YouTube](#) Note: advance to 4:00 min to skip musical introduction for reference to short-term rentals.

- b) Short-term rental containing two (2) units accommodating up to 10 overnight occupants and 20-person social or meeting gatherings
 - o https://www.airbnb.com/rooms/42410531?source_impression_id=p3_1641740509_wEUzC3M3L6Ba8LJ8

- c) Possible other commercial use involving retail sales
 - o [About | Movable Modern](#)
 - o [Zephyr Renner on Etsy](#)

Exhibit "D"

Notification of Decision- City of Albuquerque Zoning Hearing Examiner (VA-2021-00399) dated January 5, 2022



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

Kylie and Zephyr Renner request a conditional use to allow an accessory dwelling unit without a kitchen for Lot 1, Block N, Netherwood Park 1st Replat, located at 2702 Morrow RD NE, zoned R-1D [Section 14-16-4-3(F)(5)(g)]

Special Exception No:..... VA-2021-00399
Project No: Project#2021-006176
Hearing Date: 12-21-21
Closing of Public Record: 12-21-21
Date of Decision: 01-05-22

On the 21st day of December, 2021, property owners Kylie and Zephyr Renner (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow an accessory dwelling unit without a kitchen (“Application”) upon the real property located at 2702 Morrow RD NE (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a conditional use to allow an accessory dwelling unit without a kitchen.
2. The City of Albuquerque Code of Ordinances Section 14-16-6-6(A)(3) (Review and Decision Criteria– Conditional Use) reads: “*An application for a Conditional Use Approval shall be approved if it meets all of the following criteria:*”
 - 6-6(A)(3)(a) *It is consistent with the adopted ABC Comp Plan, as amended.*
 - 6-6(A)(3)(b) *It complies with all applicable provisions of this IDO, including but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in a prior permit or approval affecting the property, or there is a condition of approval that any Variances or Waivers needed to comply with any of these provisions must be approved or the Conditional Use Approval will be invalidated pursuant to Subsection (2)(c)2 above.*
 - 6-6(A)(3)(c) *It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community.*
 - 6-6(A)(3)(d) *It will not create material adverse impacts on other land in the surrounding area through increases in traffic congestion, parking congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts.*
 - 6-6(A)(3)(e) *On a project site with existing uses, it will not increase non-residential activity within 300 feet in any direction of a lot in any Residential zone district between the hours of 10:00 P.M. and 6:00 A.M.*
 - 6-6(A)(3)(f) *It will not negatively impact pedestrian or transit connectivity without appropriate mitigation.*

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. Agent appeared and gave evidence in support of the application.
6. All property owners within 100 feet and affected neighborhood association(s) were notified.
7. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval is consistent with the ABC Comp. Plan, as amended. Specifically, it appears from Applicant's testimony and evidence that the community would benefit from an attractive and harmoniously designed accessory structure to allow uses compatible with single family dwellings demonstrates that the requested Conditional Use approval would help "create healthy, sustainable communities with a mix of uses that are conveniently accessible from surrounding neighborhoods" as stated as a goal in ABC Comp. Plan Policy 5.2.1.
8. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval complies with all applicable provisions of the IDO, including, but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in any prior permit or approval affecting the property. Specifically, Agent testified and confirmed in written submittals that the requested Conditional Use approval would comport with all applicable requirements. No prior permits or approvals apply.
9. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community. Specifically, Agent testified and confirmed in written submittals that the requested Conditional Use approval would not create any adverse impact and would in fact enhance property values of the subject site and thereby to the neighboring parcels. Although some community members spoke in opposition to the Application, citing AirBnB uses, a mirror placed on a utility pole, and home business uses, it appears from testimony by Applicant that Applicant is in compliance with all regulations regarding AirBnB and home business uses of the Subject Property, and the mirror is not germane to the Application.
10. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval will not create material adverse impacts on other land in the surrounding area, through increases in traffic congestion, parking, congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts. Specifically, Agent testified and confirmed in written submittals that the requested Conditional Use approval would not create any adverse impact and would not increase traffic congestion, parking, congestion, noise, or vibration. Also, Applicant is providing for off-street parking as required by the IDO.
11. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval will not increase non-residential activity within 300 feet of a lot in any residential zone district between the hours of 10:00 pm and 6:00 am. Specifically, Agent testified that non-residential activity would not increase in any prohibited manner.

12. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval will not negatively impact pedestrian or transit connectivity without appropriate mitigation. Specifically, Agent testified that no negative impact on pedestrian or transit connectivity would result.
13. The City Traffic Engineer submitted a report stating no objection to the Application.
14. Applicable Use-Specific Standards are listed in IDO Section 13-16-4-3(F)(5). Applicant testified that the requested Conditional Use approval would comport with all Use-Specific standards.

DECISION:

APPROVAL of a conditional use to allow an accessory dwelling unit without a kitchen.

APPEAL:

If you wish to appeal this decision, you must do so by January 20, 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.



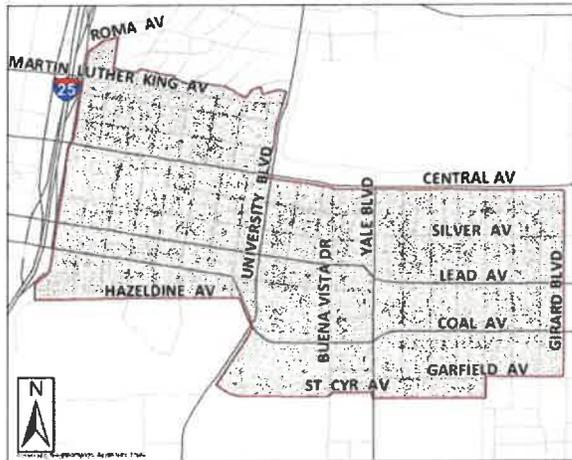
Robert Lucero, Esq.
Zoning Hearing Examiner

cc:

ZHE File
Zoning Enforcement
Kylie and Zephyr Renner, revkylie@gmail.com
Kevin Murphy,
Ana Maria amagoncas@gmail.com
Kelli Judkins-Cooper, kellijc.kjc@gmail.com
Ross Casey, rosscasey@gmail.com
Todd Hinson, 2630 Morrow RD NE



8. University Neighborhoods Small Area
 Accessory dwelling units are a conditional accessory use in the following mapped small area.



9. Volcano Mesa – CPO-13
 Accessory dwelling units are a permissive accessory use in the Volcano Mesa – CPO-13. An accessory dwelling unit shall not exceed 750 square feet of gross floor area. A garage or shed attached to the accessory dwelling unit shall not count toward this size limit.

- 4-3(F)(5)(f) Accessory dwelling units constructed prior to the effective date of this IDO are allowed as follows:
1. Nonconforming accessory dwelling units with kitchens are allowed as a permissive accessory use.
 2. Accessory dwelling units with kitchens without proof of nonconformity require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).
- 4-3(F)(5)(g) In the R-1 zone district, accessory dwelling units without kitchens require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A), except in areas where accessory dwelling units with

kitchens are allowed permissively pursuant to Subsection (e) above.

4-3(F)(6) Family Care Facility

4-3(F)(6)(a) The operator of this use must obtain and maintain in effect at all times any City or State permit or license required for the operation of this use.

4-3(F)(6)(b) Only members of the residing household may provide care.

4-3(F)(6)(c) Any outdoor play area shall be enclosed by an opaque wall, fence, or vegetative screen at least 6 feet in height.

4-3(F)(6)(d) No sign is allowed.

4-3(F)(7) Family Home Day Care

4-3(F)(7)(a) The operator of this use must obtain and maintain in effect at all times any City or State permit or license required for the operation of this use.

4-3(F)(7)(b) Only members of the residing household may provide care.

4-3(F)(7)(c) Any outdoor play area shall be enclosed by an opaque wall, fence, or vegetative screen at least 6 feet in height.

4-3(F)(7)(d) Only a sign meeting the requirements for a home occupation is allowed.

4-3(F)(8) Hobby Breeder

4-3(F)(8)(a) The operator of this use must comply with all applicable City, State, and federal regulations and permitting procedures that govern the breeding of animals, including Article 9-2 of ROA 1994 (HEART), enforced by the City Animal Welfare Department.

4-3(F)(8)(b) This use may be operated outside an enclosed structure.

4-3(F)(9) Home Occupation

4-3(F)(9)(a) The operator must obtain and maintain in effect at all times any City or State permit or license required for the operation of this use, including a business registration permit from the City.

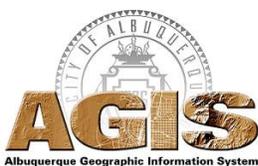
4-3(F)(9)(b) The following uses from Table 4-2-1 and activities are prohibited as home occupations:

1. Any use in the Agricultural or Animal-related category.
2. Any use in the Food, Beverage, and Indoor Entertainment category, except catering service.
3. Any use in the Motor Vehicle-related category.
4. Any use in the Industrial Uses category.
5. Commercial services.
6. Construction contractor facility and yard.
7. Crematorium.
8. Mortuary.
9. Adult retail.

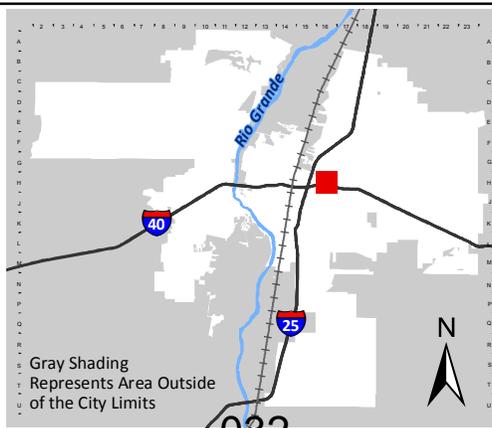


For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

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:
H-16-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



PRE-APPLICATION REVIEW TEAM (PRT) MEETING REQUEST

Pre-application Review Team (PRT) Meetings are available to help applicants identify and understand the allowable uses, development standards, and processes that pertain to their request. ***PRT Meetings are for informational purposes only; they are non-binding and do not constitute any type of approval.*** Any statements regarding zoning at a PRT Meeting are not certificates of zoning. The interpretation of specific uses allowed in any zone district is the responsibility of the Zoning Enforcement Officer (ZEO).

When you submit PRT notes to meet a Pre-application Meeting requirement in Table 6-1-1, you will be charged a \$50 PRT fee.

<i>Official Use only</i>		
PA#: _____	Received By: _____	Date: _____
APPOINTMENT DATE & TIME: _____		

Applicant Name: Kylie and Zephyr Renner Phone#: 505 307-8064 Email: zephyr.renner@gmail.com

PROJECT INFORMATION:

For the most accurate and comprehensive responses, please complete this request as fully as possible and submit any relevant information, including site plans, sketches, and previous approvals.

Size of Site: .28 Acres Existing Zoning: R-1D Proposed Zoning: _____

Previous case number(s) for this site: N/A

Applicable Overlays or Mapped Areas: H-16

Residential – Type and No. of Units: ACCESSORY BUILDING

Non-residential – Estimated building square footage: _____ No. of Employees: _____

Mixed-use – Project specifics: _____

LOCATION OF REQUEST:

Physical Address: 2702 Morrow Rd NE Zone Atlas Page (Please identify subject site on the map and attach) H16Z

BRIEFLY DESCRIBE YOUR REQUEST (What do you plan to develop on this site?)

2 home offices w/utility room

QUESTIONS OR CONCERNS (Please be specific so that our staff can do the appropriate research)

CONDITIONAL USE PRE-APPLICATION MEETING NOTES

Applicant/Address: 21-226 Zephar Renner 2702 Morrow Rd NE

Request: Accessory Dwelling Unit without a Kitchen

Zone District/Purpose: R-1D/ 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.

Comprehensive Plan Designation(s): Area of Consistency

Applicable Overlay Zones: None listed

Allowable Use:

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
Dwelling unit, accessory without kitchen	CA	A	A	A	A	A	A	A		A	A	A	A	A	A	4-3(F)(5)

Integrated Development Ordinance Requirements and Standards:

4-3(F)(5) Dwelling Unit, Accessory (With or Without Kitchen)

(a) Where this use is allowed, only 1 accessory dwelling unit is allowed per lot. See Table 4-2-1 for the zone districts where this use is allowed and Subsection 14-16-4-3(F)(5)(e) for the small areas where accessory dwelling units with kitchens are allowed in the R-1 zone district.

1. If accessory to residential development in any zone district, the accessory dwelling unit can be attached or detached.
2. If accessory to a non-residential use in any Mixed-use zone district, the accessory dwelling unit shall be attached to the building with the non-residential use.
3. In a Non-residential zone district, the accessory dwelling unit is allowed for the caretaker of the primary non-residential use and may be attached or detached.

(b) When an accessory dwelling unit is attached to a primary dwelling, only 1 dwelling unit entrance may face the front lot line.

(c) A detached accessory dwelling unit shall comply with any applicable provisions of Subsection 14-16-5-11(C)(4) (Accessory Buildings).

(d) In any Residential or Mixed-use zone district, a detached accessory dwelling unit shall be located behind the rear wall of a primary building. On corner lots, the accessory dwelling unit shall have the same minimum street side setback requirement as the primary building.

(e) Accessory dwelling units with kitchens are prohibited in the R-1 zone district, with exceptions where they are allowed as permissive or conditional accessory uses in certain Center and Corridor areas and in certain small areas as specified below and as allowed pursuant to Subsection (f) below. Where allowed as a conditional accessory use, a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) is required.

1. Near Premium Transit and Main Street Areas Accessory dwelling units are a permissive accessory use within 1,320 feet (¼ mile) of PT and MS areas. An accessory dwelling unit shall not exceed 750 square feet of gross floor area.
2. Barelás – CPO-1
Accessory dwelling units are a conditional accessory use in the Barelás – CPO-1.

3. Downtown Neighborhood Area – CPO-3

Accessory dwelling units are a permissive accessory use in the Downtown Neighborhood Area – CPO-3 if all of the following requirements are met.

- a. The accessory dwelling unit shall not exceed 650 square feet of gross floor area. A garage or shed attached to an accessory dwelling unit shall not count toward this size limit.
- b. A detached accessory dwelling unit shall not exceed the height of the primary dwelling or 18 feet, whichever is less.

4. High Desert Area

Accessory dwelling units are a permissive accessory use in the following mapped area. An accessory dwelling unit shall not exceed 750 square feet of gross floor area. A garage or shed attached to the accessory dwelling unit shall not count toward this size limit.

5. Huning Highland Area

Accessory dwelling units are a conditional accessory use in the following mapped area.

6. Sawmill/Wells Park – CPO-12

Accessory dwelling units are a permissive accessory use on lots with a minimum of 7,000 square feet in the R-1 zone district in the Sawmill/Wells Park – CPO-12.

7. South Broadway Area

Accessory dwelling units are a conditional accessory use in the following mapped area.

8. University Neighborhoods Area

Accessory dwelling units are a conditional accessory use in the following mapped area.

9. Volcano Mesa – CPO-13

Accessory dwelling units are a permissive accessory use in the Volcano Mesa – CPO-13. An accessory dwelling unit shall not exceed 750 square feet of gross floor area. A garage or shed attached to the accessory dwelling unit shall not count toward this size limit.

(f) Accessory dwelling units constructed prior to the effective date of this IDO are allowed as follows:

- 1. Nonconforming accessory dwelling units with kitchens are allowed as a permissive accessory use.
- 2. Accessory dwelling units with kitchens without proof of nonconformity require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).

(g) In the R-1 zone district, accessory dwelling units without kitchens require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A), except in areas where accessory dwelling units with kitchens are allowed permissively pursuant to Subsection (e) above.

Contact for Deadlines and Submittal Requirements: suzannasanchez@cabq.gov

Approval Requirements: The application will be approved if it meets all of the following criteria:

- (a) It is consistent with the Comprehensive Plan.
- (b) It complies with all applicable provisions of the Integrated Development Ordinance.
- (c) It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community.
- (d) It will not create material adverse impacts on other land in the surrounding area through increases in traffic congestion, parking congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts.
- (e) On a project site with existing uses, it will not increase nonresidential activity within 300 feet in any direction of a lot in any Residential zone district between the hours of 10:00 P.M. and 6:00 A.M.
- (f) It will not negatively impact pedestrian or transit connectivity without appropriate mitigation.

Burden of Proof: The applicant bears the burden of providing a sound justification for the requested decision based on substantial evidence, and of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary.

If additional information is needed, contact the ZHE Administrative Assistant at 924-3894.

Meeting notes must be submitted with your completed application.

Link to the Integrated Development

Ordinance: https://documents.cabq.gov/planning/IDO/2020_IDO_AnnualUpdate/IDO-2020AnnualUpdate-2021-07-16-EffectiveDraft.pdf

Link to the Comprehensive Plan: <http://www.cabq.gov/planning/plans-publications/abc-comprehensive-plan>

Sanchez, Suzanna A.

From: Sanchez, Suzanna A.
Sent: Friday, October 15, 2021 11:17 AM
To: zephyr.renner@gmail.com; zephyr.renner@gmail.com
Subject: ZHE Information for 2702 Morrow Rd NE
Attachments: STEPS TO APPLY FOR A SPECIAL EXCEPTION APRIL 2021.docx; 1. Letter to Neighborhood Association.pdf; CONDITIONAL USE JUSTIFICATION APRIL 2021.pdf; PRE-APPLICATION REVIEW FORM.PDF

Importance: High

Dear Applicant,

Please fill in the Pre-Application Review Form and return to me before next Wednesday.

Attached are forms and instructions to complete your application for a conditional use. Please pay special attention to Step 3 in the "STEPS TO APPLY" document. These materials are required for a complete submittal. Requests will not be set for a hearing or reviewed for compliance until the application submittal is complete.

Please fill in and forward the attached Letter to Neighborhood Association to the list of neighborhood association contacts below. 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	State	Zip
North Campus NA	Sara	Koplik	sarakoplik@hotmail.com	1126 Stanford NE	Albuquerque	NM	87100
North Campus NA	Tim	Davis	tdavisnm@gmail.com	2404 Hannett NE	Albuquerque	NM	87100
Netherwood Park NA	William	Gannon	wgannon@unm.edu	1726 Notre Dame NE	Albuquerque	NM	87100
Netherwood Park NA	Sara	Mills	saramills@comcast.net	2629 Cutler Avenue NE	Albuquerque	NM	87100

Please forward me the items below at your earliest convenience.

- Justification letter
- Photo
- Site Plan

If you have questions, please contact me.

Thank you,

Suzie

REQUEST FOR NEIGHBORHOOD MEETING

Date: 10/15/21

To Whom This May Concern:

I am requesting approval from the Zoning Hearing Examiner within the City of Albuquerque for a conditional use or variance to allow an accessory dwelling unit without a kitchen

_____ (summary of request).

Property owner Kylie and Zephyr Renner

Agent if applicable _____

Property Address 2702 Morrow RD NE, Albuquerque, NM, 87106 (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 Kylie and Zephyr Renner

Email zephyr.renner@gmail.com

Phone Number 505-307-8064

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.

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

Neighborhood Meeting Request for a Proposed Project in the City of Albuquerque

Date of Request*: 10/15/21

This request for a Neighborhood Meeting for a proposed project is provided as required by Integrated Development Ordinance (IDO) [Subsection 14-16-6-4\(K\) Public Notice](#) to:

Neighborhood Association (NA)*: North Campus NA, Netherwood Park NA

Name of NA Representative*: _____

Email Address* or Mailing Address* of NA Representative¹: _____

The application is not yet submitted. If you would like to have a Neighborhood Meeting about this proposed project, please respond to this request within 15 days.²

Email address to respond yes or no: revkylie@gmail.com

The applicant may specify a Neighborhood Meeting date that must be at least 15 days from the Date of Request above, unless you agree to an earlier date.

Meeting Date / Time / Location:

Project Information Required by [IDO Subsection 14-16-6-4\(K\)\(1\)\(a\)](#)

1. Subject Property Address* 2702 Morrow RD NE
Location Description _____
2. Property Owner* Kylie and Zephyr Renner
3. Agent/Applicant* [if applicable] _____
4. Application(s) Type* per IDO [Table 6-1-1](#) [mark all that apply]
 - Conditional Use Approval
 - Permit _____ (Carport or Wall/Fence – Major)
 - Site Plan
 - Subdivision _____ (Minor or Major)

¹ Pursuant to [IDO Subsection 14-16-6-4\(K\)\(5\)\(a\)](#), email is sufficient if on file with the Office of Neighborhood Coordination. If no email address is on file for a particular NA representative, notice must be mailed to the mailing address on file for that representative.

² If no one replies to this request, the applicant may be submitted to the City to begin the review/decision process.

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

- Vacation _____ (Easement/Private Way or Public Right-of-way)
- Variance
- Waiver
- Zoning Map Amendment
- Other: _____

Summary of project/request^{3*}:

an accessory dwelling unit without a kitchen

5. This type of application will be decided by^{*}: City Staff
- OR at a public meeting or hearing by:
- X Zoning Hearing Examiner (ZHE) Development Review Board (DRB)
- Landmarks Commission (LC) Environmental Planning Commission (EPC)
- City Council

6. Where more information about the project can be found^{4*}:
suzannasanchez@cabq.gov

Project Information Required for Mail/Email Notice by [IDO Subsection 6-4\(K\)\(1\)\(b\)](#):

1. Zone Atlas Page(s)^{5*} H-16
2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant^{*}: Attached to notice or provided via website noted above
3. The following exceptions to IDO standards will be requested for this project^{*}:
- Deviation(s) Variance(s) Waiver(s)

Explanation:

4. An offer of a Pre-submittal Neighborhood Meeting is required by [Table 6-1-1](#)^{*}: Yes No

³ Attach additional information, as needed to explain the project/request. Note that information provided in this meeting request is conceptual and constitutes a draft intended to provide sufficient information for discussion of concerns and opportunities.

⁴ Address (mailing or email), phone number, or website to be provided by the applicant

⁵ Available online here: <http://data.cabq.gov/business/zoneatlas/>

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

5. **For Site Plan Applications only***, attach site plan showing, at a minimum:
- a. Location of proposed buildings and landscape areas.*
 - b. Access and circulation for vehicles and pedestrians.*
 - c. Maximum height of any proposed structures, with building elevations.*
 - d. **For residential development***: Maximum number of proposed dwelling units.
 - e. **For non-residential development***:
 - Total gross floor area of proposed project.
 - Gross floor area for each proposed use.

Additional Information:

1. From the IDO Zoning Map⁶:
- a. Area of Property [typically in acres] _____
 - b. IDO Zone District _____
 - c. Overlay Zone(s) [if applicable] _____
 - d. Center or Corridor Area [if applicable] _____
2. Current Land Use(s) [vacant, if none] _____
- _____

Useful Links

Integrated Development Ordinance (IDO):

<https://ido.abc-zone.com/>

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

Cc: _____ [Other Neighborhood Associations, if any]

⁶ Available here: <https://tinurl.com/idozoningmap>

Sanchez, Suzanna A.

From: Zephyr Renner <zephyr.renner@gmail.com>
Sent: Friday, October 15, 2021 1:40 PM
To: sarakoplik@hotmail.com; tdavisnm@gmail.com; wgannon@unm.edu; saramills@comcast.net
Cc: Kylie Renner
Subject: Request for Neighborhood Meeting- Conditional Use Application 2702 Morrow Rd NE
Attachments: SITE001-SITE_PL.pdf; A002-ELEVATIONS.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Neighbors,

We are planning to add a Mid-Century Modern inspired butterfly roofed accessory building in our rear yard to be used as our home offices and a utility room. We are really excited about how well it will fit with the renovations we have already done, and how it will welcome people to our neighborhood on our very visible corner. Zoning considers this a conditionally permitted use so we have a process to follow. We are attaching the required forms, as well as our site plan and elevations for the project, as well as a photo of the area we plan to build in (not many people realize how large this corner lot is). We are happy to answer any questions and talk more about our plans. Thank you for your time.

Kind regards,
Zephyr and Kylie Renner
505(307)-8064



[_Conditional Use Neighborhood Meeting.pdf](#)







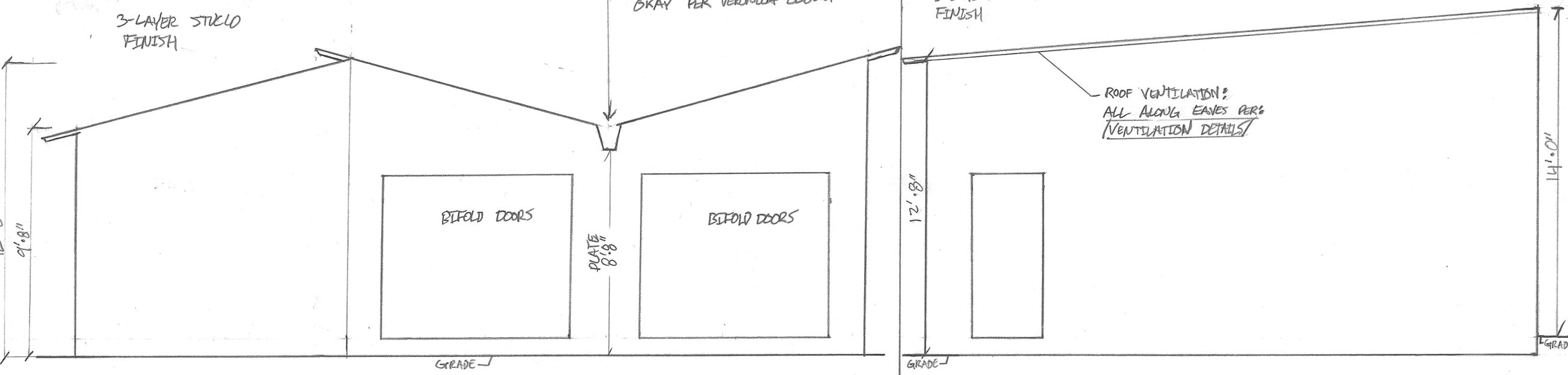
ELEVATIONS

WEST ELEVATION
1" = 4'
← N

IDD HEIGHT: $\frac{8'8" + 12'8"}{2} = 10'8"$

SOUTH ELEVATION
1" = 4'
↑ N

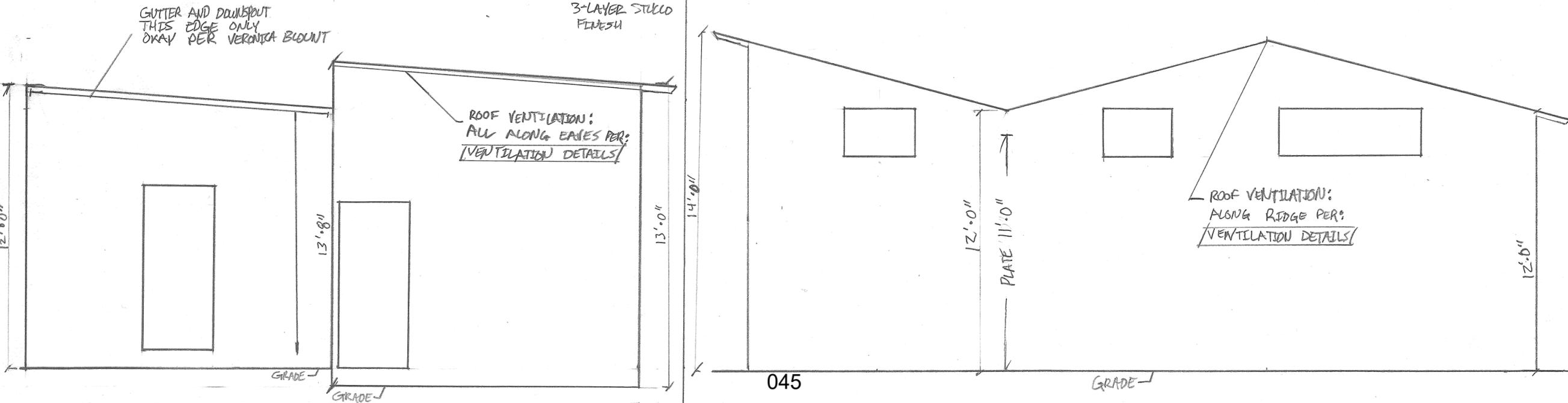
IDD HEIGHT:
 $\frac{\text{WEST ELEV.} + \text{EAST ELEV.}}{2} = \frac{10'8" + 12'6"}{2} = 11'5"$



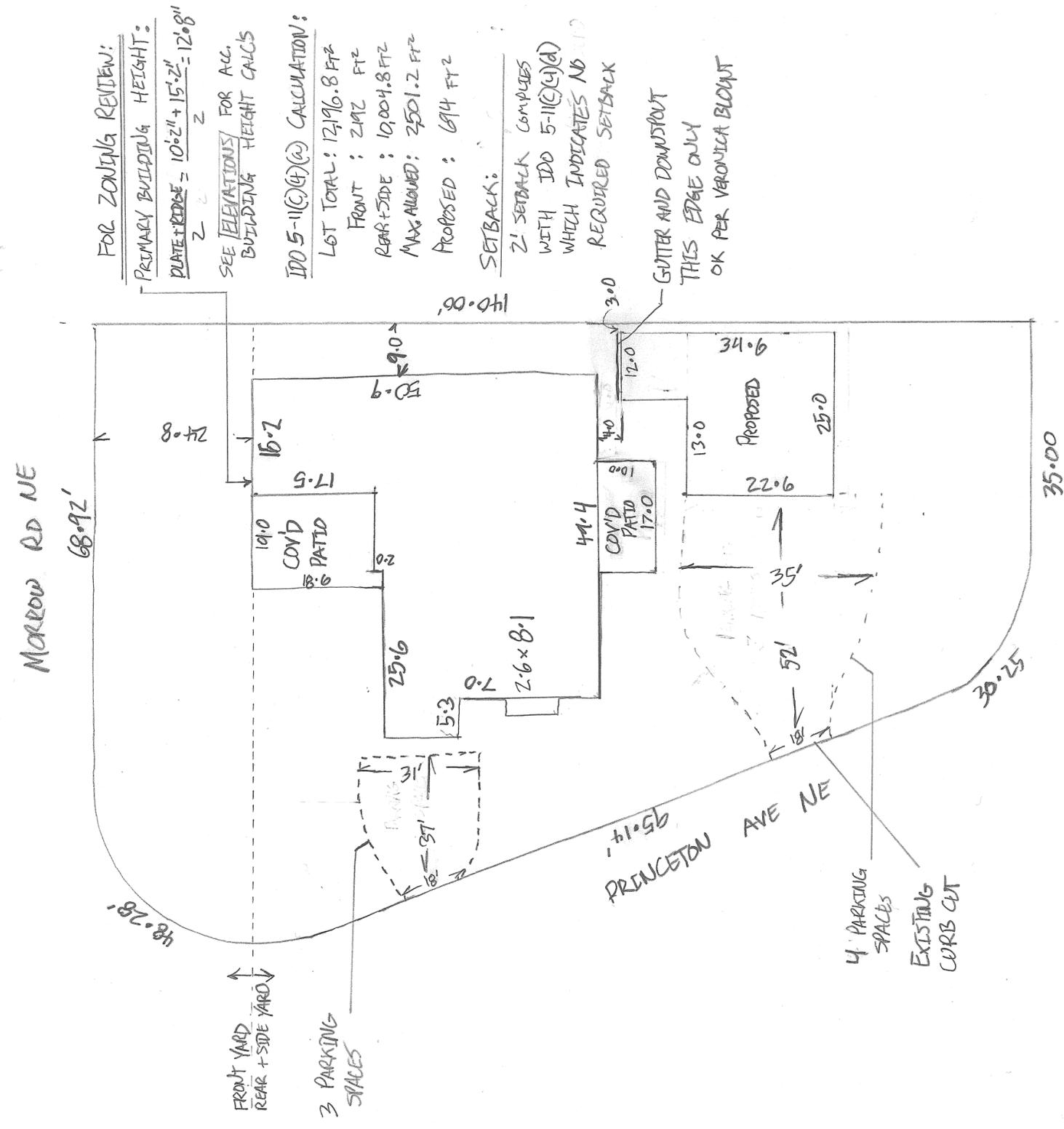
NORTH ELEVATION
1" = 4'
N ↓

IDD HEIGHT: $\frac{\text{WEST ELEV.} + \text{EAST ELEV.}}{2} = \frac{10'8" + 12'6"}{2} = 11'5"$

EAST ELEVATION
1" = 4'
N →



SITE PLAN N↑
2702 MORROW



FOR ZONING REVIEW:
PRIMARY BUILDING HEIGHT:
$$\frac{PLATE + RISE = 10'2'' + 15'2''}{2} = 12'8''$$

SEE ELEVATIONS FOR ACC. BUILDING HEIGHT CALCS

IDO 5-11(C)(4)(c) CALCULATION:
LOT TOTAL: 12,196.8 FT²
FRONT: 2,472 FT²
REAR+SIDE: 10,004.8 FT²
MAX ALLOWED: 2,501.2 FT²
PROPOSED: 694 FT²

SETBACK:
2' SETBACK COMPARES WITH IDO 5-11(C)(4)(d) WHICH INDICATES NO REQUIRED SETBACK

GUTTER AND DOWNSPOUT THIS EDGE ONLY OK PER VERONICA BLOUNT

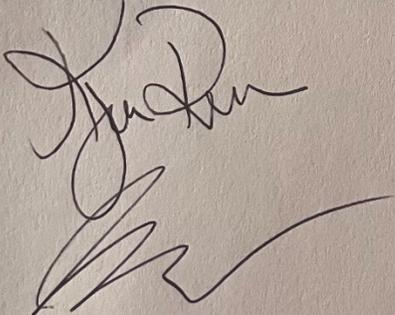
INDIAN SCHOOL RD NE

CONDITIONAL USE JUSTIFICATION LETTER

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

RE: Request for a Conditional Use to allow an accessory building to be built and used as home offices and a utility room at 2702 Morrow Rd NE.

- (a) It is consistent with the adopted ABC Comprehensive Plan because:
It is in accordance with the guiding values, contributing to a strong neighborhood, restoring a previously neglected portion of the lot with prime neighborhood visibility onto Indian School Rd., creating a live/work environment that respects the architectural idea of a upside down "butterfly roof" pioneered in mid century modern era and character of the neighborhood.
- (b) It complies with all applicable provisions of this IDO, including but not limited to any Use-Specific Standards applicable to the use in Section 14-6-4-3, because:
It creates a dedicated work from home space for us creating no nuisance conditions as it literally moves the work we do to a dedicated space and of course our businesses are fully licensed.
- (c) It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community because:
There will be a significant positive impact turning a highly visible and previously neglected area of our property into something consistent with neighborhood's architectural style. It is also consistent with the placement of auxiliary buildings all along the Indian School Rd corridor between Girard and Harvard including our two most immediate neighbors on Morrow.
- (d) It will not create material adverse impacts on other land in the surrounding area through increases in traffic congestion, parking congestion, noise, or vibration because:
It reduces traffic congestion by creating work from home space and adds additional off street parking reducing parking congestion and adds no nuisance conditions.
- (e) On a project site with existing uses, it will not increase non-residential activity within 300 feet in any direction of a lot in any Residential zone district between the hours of 10:00PM and 6:00AM because:
All uses will be residential around the clock and will not increase any non-residential activity.
(We sleep from 10PM to 6AM!)
- (f) It will not negatively impact pedestrian or transit connectivity because: It creates no changes to any existing sidewalks or roads and does not add traffic to either and therefore has no adverse impacts.

Two handwritten signatures in black ink. The top signature is a cursive name, and the bottom signature is a stylized, more abstract cursive mark.

10-13-21

10-18-21



CITY OF ALBUQUERQUE INVOICE

KYLIE & ZEPHYR RENNER

2702 MORROW RD NE

Reference NO: VA-2021-00399

Customer NO: CU-82339554

Date	Description	Amount
11/03/21	2% Technology Fee	\$5.20
11/03/21	Application Fee	\$100.00
11/03/21	Facilitated Meeting Fee	\$50.00
11/03/21	Posted Sign Fee	\$10.00
11/03/21	Pre-Application Meeting Fee	\$50.00
11/03/21	Published Notice Fee	\$50.00

Due Date: **11/03/21**

Total due for this invoice:

\$265.20

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: 11/03/21

Amount Due: **\$265.20**

Reference NO: VA-2021-00399

Payment Code: 130

Customer NO: CU-82339554

KYLIE & ZEPHYR RENNER
2702 MORROW RD NE
ABQ, NM 87106



130 0000VA20210039900102546714800664100000000000026520CU82339554

City of Albuquerque ZHE – December 21, 2021

Agenda Item #20

VA-2021-00399

PR-2021-006176

Kylie and Zephyr Renner request a conditional use to allow an accessory dwelling unit without a kitchen for Lot 1, Block N, Netherwood Park 1st Replat, located at 2702 Morrow RD NE, zoned R-1D [Section 14-16-4-3(F)(5)(g)]

Ownership: Owner: RENNER KYLIE M

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:

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
Dwelling unit, accessory without kitchen	CA	A		A	A	A	A	A	A		A	A	A	A	A	A	4-3(F)(5)

Applicable Comp Plan Designation(s): Area of Consistency

Applicable Overlay Zones: None listed

Applicable Use-Specific Standard(s):

4-3(F)(5) Dwelling Unit, Accessory (With or Without Kitchen)

4-3(F)(5)(a) Where this use is allowed, only 1 accessory dwelling unit is allowed per lot. See Table 4-2-1 for the zone districts where this use is allowed and Subsection 14-16-4-3(F)(5)(e) for the small

areas where accessory dwelling units with kitchens are allowed in the R-1 zone district.

1. If accessory to residential development in any zone district, the accessory dwelling unit can be attached or detached.

2. If accessory to a non-residential use in any Mixed-use zone district, the accessory dwelling unit shall be attached to the building with the non-residential use. 3. In a Non-residential zone district, the accessory dwelling unit is allowed for the caretaker of the primary non-residential use and may be attached or detached.

4-3(F)(5)(b) When an accessory dwelling unit is attached to a primary dwelling, only 1 dwelling unit entrance may face the front lot line.

4-3(F)(5)(c) A detached accessory dwelling unit shall comply with any applicable provisions of Subsection 14-16-5-11(C)(4) (Accessory Buildings).

4-3(F)(5)(d) In any Residential or Mixed-use zone district, a detached accessory dwelling unit shall be located behind the rear wall of a primary building. On corner lots, the accessory dwelling unit shall have the same minimum street side setback requirement as the primary building.

4-3(F)(5)(e) Accessory dwelling units with kitchens are prohibited in the R-1 zone district, with exceptions where they are allowed as permissive or conditional accessory uses in certain Center

and Corridor areas and in certain small areas as specified below and as allowed pursuant to Subsection (f) below. Where allowed as a conditional accessory use, a Conditional Use Approval pursuant to

Subsection 14-16-6-6(A) is required.

1. Near Premium Transit and Main Street Areas

Accessory dwelling units are a permissive accessory use within 1,320 feet (¼ mile) of PT and MS areas. An accessory dwelling unit shall not exceed 750 square feet of gross floor area.

2. Barelvas – CPO-1

Accessory dwelling units are a conditional accessory use in the Barelvas – CPO-1.

3. Downtown Neighborhood Area – CPO-3

Accessory dwelling units are a permissive accessory use in the Downtown Neighborhood Area – CPO-3 if all of the following requirements are met.

a. The accessory dwelling unit shall not exceed 650 square feet of gross floor area. A garage or shed attached to an accessory dwelling unit shall not count toward this size limit.

b. A detached accessory dwelling unit shall not exceed the height of the primary dwelling or 18 feet, whichever is less.

4. High Desert Small Area

Accessory dwelling units are a permissive accessory use in the following mapped small area. An accessory dwelling unit shall not exceed 750 square feet of gross floor area. A garage or shed attached to the accessory dwelling unit shall not count toward this size limit.



5. Huning Highland Small Area

Accessory dwelling units are a conditional accessory use in the following mapped small area.



6. Sawmill/Wells Park – CPO-12

Accessory dwelling units are a permissive accessory use on lots with a minimum of 7,000 square feet in the R-1 zone district in the Sawmill/Wells Park – CPO-12.

7. South Broadway Small Area

Accessory dwelling units are a conditional accessory use in the following mapped small area.



8. University Neighborhoods Small Area
 Accessory dwelling units are a conditional accessory use in the following mapped small area.



9. Volcano Mesa – CPO-13
 Accessory dwelling units are a permissive accessory use in the Volcano Mesa – CPO-13. An accessory dwelling unit shall not exceed 750 square feet of gross floor area. A garage or shed attached to the accessory dwelling unit shall not count toward this size limit.

4-3(F)(5)(f) Accessory dwelling units constructed prior to the effective date of this IDO are allowed as follows:

1. Nonconforming accessory dwelling units with kitchens are allowed as a permissive accessory use.
2. Accessory dwelling units with kitchens without proof of nonconformity require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).

4-3(F)(5)(g) In the R-1 zone district, accessory dwelling units without kitchens require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A), except in areas where accessory dwelling units with kitchens are allowed permissively pursuant to Subsection (e) above.

Applicable Dimensional/Development Standards: n/a

Prior Approval Conditions: No prior special exceptions listed

Traffic Recommendations: no objection

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



CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
INTER-OFFICE MEMORANDUM

December 8, 2021

To: Lorena Patten-Quintana, ZHE Planner

From: Matt Grush, P.E. Senior Engineer

Subject: COMMENTS FOR THE ZHE HEARING OF December 21, 2021

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

VA-2021-00399

PR-2021-006197

Address: 2702 Morrow Rd NE

Transportation Review: No objections

After review of the provided application, Transportation has no objection to the CONDITIONAL USE to allow for an accessory dwelling without a kitchen.



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

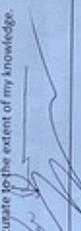
PART I - PROCESS
 Use Table 6-1-1 in the Integrated Development Ordinance (IDO) to answer the following:
 Application Type:
 Decision-making Body: Zoning Hearing Examiner Yes No
 Pre-Application meeting required: Yes No
 Neighborhood meeting required: Yes No
 Mailed Notice required: Yes No
 Electronic Mail required: Yes No
 Is this a Site Plan Application: Yes No **Note: If yes, see second page**

PART II - DETAILS OF REQUEST
 Address of property listed in application: 7402 Miraval Rd NE
 Name of property owner: Kyle and Zephie Bruner
 Name of applicant: Kyle and Zephie Bruner
 Date, time, and place of public meeting or hearing, if applicable:
December 21, 2021 9:00AM via Zoom (Meeting ID: 704 449 0999)
 Address, phone number, or website for additional information:
www.cbq.gov/zoninghearingexaminer/505-924-3864

PART III - ATTACHMENTS REQUIRED WITH THIS NOTICE
 Zone Atlas page indicating subject property.
 Drawings, elevations, or other illustrations of this request.
 Summary of pre-submittal neighborhood meeting, if applicable.
 Summary of request, including explanations of deviations, variances, or waivers.

IMPORTANT: PUBLIC NOTICE MUST BE MADE IN A TIMELY MANNER PURSUANT TO SUBSECTION 14-2-16-6-4(K) OF THE INTEGRATED DEVELOPMENT ORDINANCE (IDO). PROOF OF NOTICE WITH ALL REQUIRED ATTACHMENTS MUST BE PRESENTED UPON APPLICATION.

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

 (Applicant signature) 12/21 (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 14-2-16-6-9(B)(3) and may lead to a denial of your application.

CITY OF ALBUQUERQUE, PLANNING DEPARTMENT, 600 2ND ST. NW, ALBUQUERQUE, NM 87102 505.924.3860
 www.cbq.gov
 Printed 11/1/2020

Public Notice of Hearing

Date: 12/21
 To Whom This May Concern:
 I am requesting approval from the Zoning Hearing Examiner within the City of Albuquerque for a conditional use or variance to allow an accessory building in rear yard to be used as home office (summary of request).
 Property owner: Kyle and Zephie Bruner
 Agent (if applicable): _____
 Property Address: 7402 Miraval Rd NE Albuquerque, NM, 87109 (zip code)

A hearing will be held on **December 21, 2021** beginning at **9:00AM** via **ZOOM**. Please call **505-924-3864** 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://albuquerque.zoom.us/j/7044490999>
 Meeting ID: 704 449 0999
 One tap mobile
 +16699006833, 7044490998 US (San Jose)
 +12532158782, 7044490998 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://albuquerque.zoom.us/j/7044490999>

Thank you,
 Applicant's Name: Kyle and Zephie Bruner
 Applicant's Number or Email Address: Zephie@brunercapital.com
 For more information, please contact the ZHE Administrative Assistant Suzie Sanchez at 505-924-3864 or suziesanchez@cbq.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.cbq.gov/planning/boards-commissions/zoning-hearing-examiner/the-agenda-action-sheets-decisions>.







Sanchez, Suzanna A.

From: Kevin Murphy <kevin@altura-real-estate.com>
Sent: Wednesday, December 15, 2021 4:14 PM
To: Sanchez, Suzanna A.
Subject: RE: 2702 Morrow Application

Thank you for the material. Below are my comments for the record:

Is the property currently in violation of zoning? For instance it appears the storage sheds (or whatever they are) visible from Indian School Rd. may be in the setback area. Also, applicant appears to be operating a non-residential/commercial enterprise at this location as evidenced by periodic a-frame signs at the SW corner for the property visible from Indian School Rd. The southern curb cut is very close to Indian School Rd. such that the applicant (or ?) installed a large mirror on the telephone pole on Indian School Rd. (this could not be legal, IMO).

Application:

2 Home Offices with utility room seems close to a prohibited w/ kitchen use. Why 4 off street parking space, if accessory to residential use?

Plot plan doesn't show 2 existing structures on south.

Is 3 feet really the side yard setback?

Again, exiting curb cut seems much closer to Indian School Rd. than shown.

This Application should be denied and inspector should visit the site for possible existing violations

Kevin Murphy
NPNA resident since 1988
505-239-4235 (cell)

From: Sanchez, Suzanna A. <suzannasanchez@cabq.gov>
Sent: Wednesday, December 15, 2021 3:39 PM
To: Kevin Murphy <kevin@altura-real-estate.com>
Subject: 2702 Morrow Application

Attached is the information you requested. Please forward any comments for the record by 5 pm today.

Thank you,

Suzie



Sanchez, Suzanna A.

From: Patten-Quintana, Lorena
Sent: Monday, December 20, 2021 5:37 PM
To: Sanchez, Suzanna A.
Subject: FW: Hearing tues 12/21

Please place this into the record. Robert has a copy for tomorrow. Thanks!

From: Trujillo, Concetta M.
Sent: Monday, December 20, 2021 3:38 PM
To: Patten-Quintana, Lorena <lpatten-quintana@cabq.gov>; Sanchez, Suzanna A. <suzannasanchez@cabq.gov>
Cc: Kelli Judkins-Cooper <dragonzen1@comcast.net>
Subject: FW: Hearing tues 12/21

I received this email which should be attached to the ZHE file for 2701 Morrow Rd NE- Concetta

From: Kelli Judkins-Cooper [<mailto:dragonzen1@comcast.net>]
Sent: Monday, December 20, 2021 3:29 PM
To: Trujillo, Concetta M.
Subject: Hearing tues 12/21

External

Hello, I am writing in response to the special exception request hearing happening tomorrow morning Tuesday 12/21/21.

VA-2021-00399

PR - 006197

Address 2702 Morrow Rd. NE.

For Kylie and Zephyr Renner

I am a neighbor of the Renners , I live at 2701 Morrow Rd. NE., directly across the street. I would not like to see them build additional structures on their property at this time. My concern is they already have two Airbnb rentals on their property, and I would not like to see them use additional structures in this way anytime in the future. This is a single-family residence community and I am not in favor of this population density directly across the street from me, that lowers the enjoyment of my neighborhood.

Thank you,

Kelli Judkins-Cooper
505-620-4648

Sanchez, Suzanna A.

From: Ana Maria <amagoncas@gmail.com>
Sent: Tuesday, December 21, 2021 12:35 PM
To: Sanchez, Suzanna A.
Subject: Zoom meeting for VA-2021-00399 PR – 006197
Attachments: Unit2_Airbnb Mini Suite 205 sq feet.pdf; Unit1_Airbnb Junior Suite 250 sq feet.pdf; Unit3_Airbnb Luxury Spa Retreat Suite 425 sq feet.pdf

Hello Ms. Sanchez,

I tried to raise my hand for the zoom meeting but i wasn't able to communicate. Would it be possible to add my comment from this email?

VA-2021-00399 PR – 006197
Kylie & Zephyr Renner

I am a neighbor in the same street and they make it seem as if they need the new structure because they don't have any space in their home to work. I know they advertise 880sq feet of their home for at least 3 units on airbnb. (Please note the sq footage is advertise on the site, I am only following what they state)

Unit1: <https://www.airbnb.com/rooms/37082337>

Unit 2: <https://www.airbnb.com/rooms/42410531>

Unit 3: <https://www.airbnb.com/rooms/27599320>

I would not like to see another airbnb unit in addition to the ones already in place. The units don't need a kitchen to be used as airbnb, but with plumbing to the new structure who's to stop them from building a bathroom for a new airbnb? My concern is that this project will be converted for another unit after it is built or even maybe by future owners.

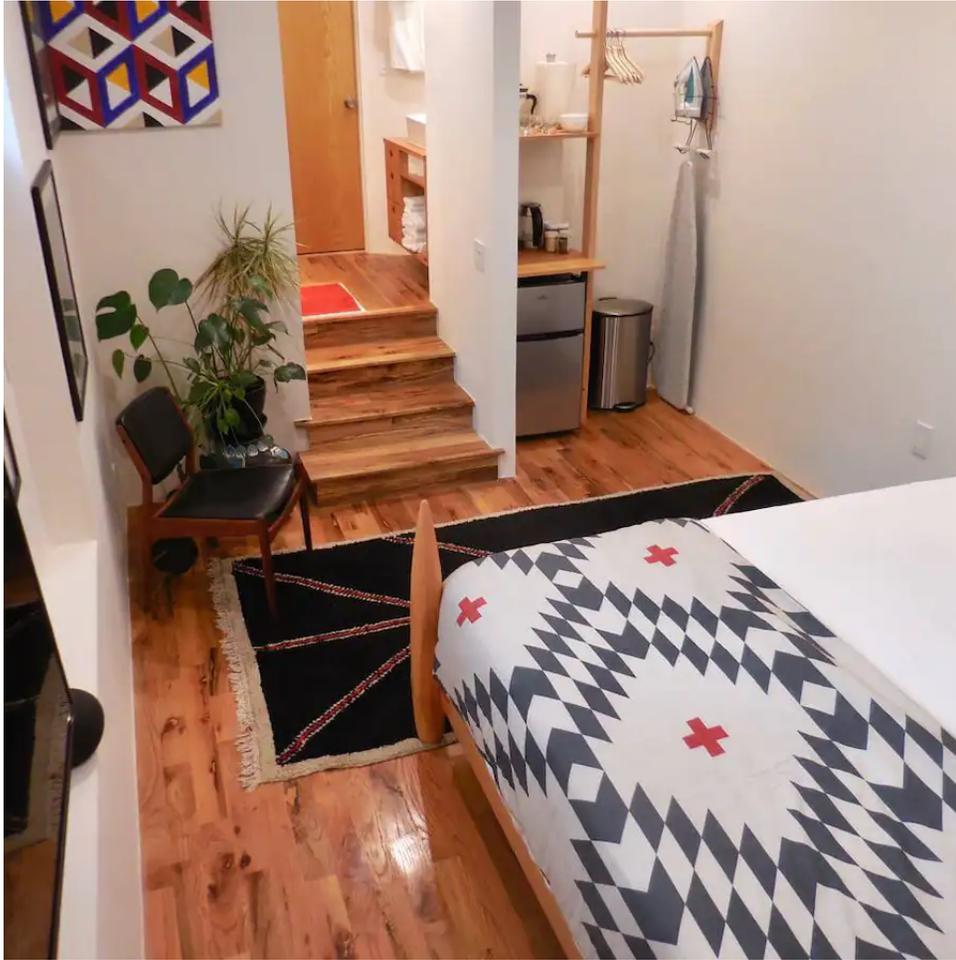
I am also adding the description of their places listed under airbnb just in case the information changes.

Thanks,

Danish Modern Luxury Spa Junior Suite

★ 4.96 · [461 reviews](#) · Superhost · [Albuquerque, New Mexico, United States](#)

[Share](#) [Save](#)



Show all photos

Entire guest suite **hosted by Kylie**

2 guests · 1 bedroom · 1 bed · 1 bath



063



Entire home

You'll have the guest suite to yourself.



Enhanced Clean

This Host committed to Airbnb's 5-step enhanced cleaning process. [Show more](#)



Self check-in

Check yourself in with the keypad.



Free cancellation before Apr 13

Centrally located guest suite with private entrance. Firm King sized bed, amazing luxury shower, heated bidet seat, and refrigerated air conditioning, Off-street parking (~24'). Light, bright, peaceful, and modern with impeccable attention to detail. Perfect for a couple traveling for business or pleasure. Roku TV with Netflix & Amazon Prime. No cleaning fee. ~250 square feet.

...

[Show more >](#)

Where you'll sleep



Bedroom

\$128 / night

★ 4.96 · [461 reviews](#)

CHECK-IN 4/18/2022	CHECKOUT 4/19/2022
GUESTS 1 guest ▼	

Reserve

You won't be charged yet

<u>\$128 x 1 night</u>	\$128
<u>Service fee</u>	\$18
<u>Occupancy taxes and fees</u>	\$19
Total	\$165

This is a rare find. Kylie's place on Airbnb is usually fully booked.

[Report this listing](#)

1 king bed

What this place offers

-  Wifi
-  Free parking on premises
-  TV with Amazon Prime Video, Netflix, Roku
-  Air conditioning
-  Hair dryer
-  Refrigerator
-  Breakfast
-  Long term stays allowed

Show all 26 amenities

1 night in Albuquerque

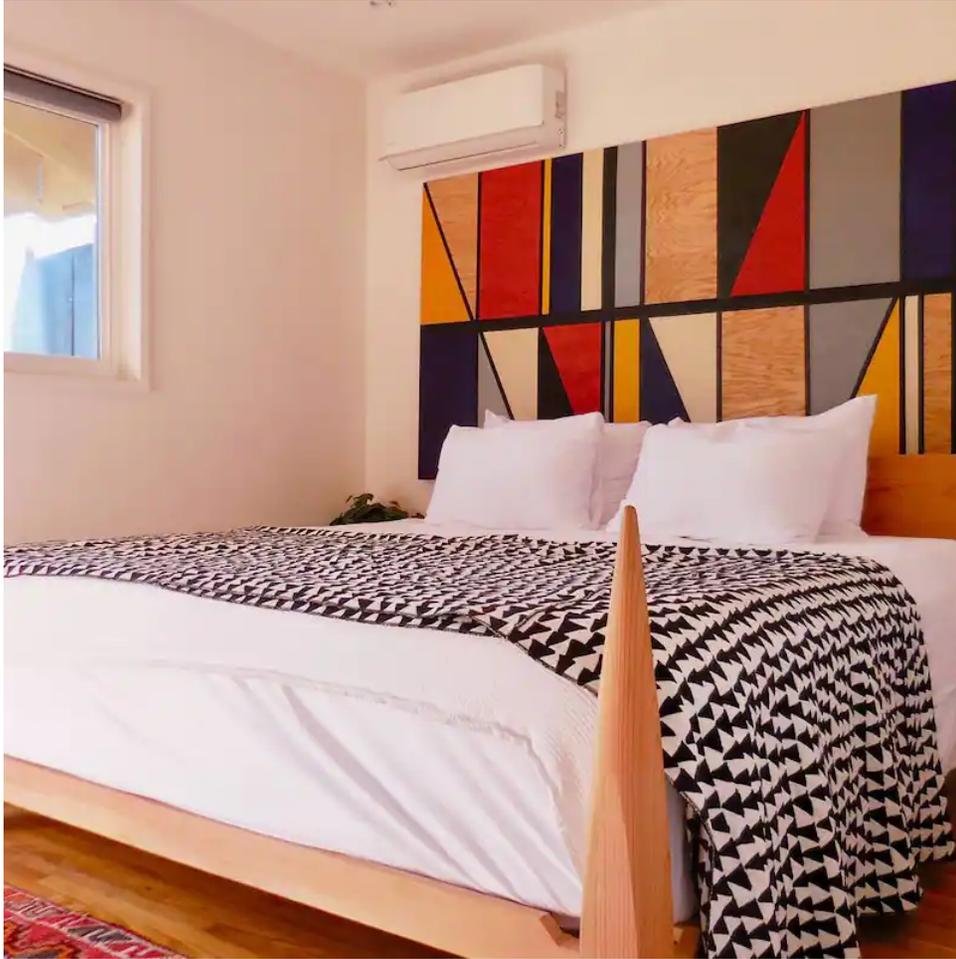
Apr 18, 2022 - Apr 19, 2022

065

Danish Modern Luxury Mini Suite

★ 4.90 · [349 reviews](#) · 🚩 Superhost · [Albuquerque, New Mexico, United States](#)

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Entire guest suite **hosted by Kylie**

2 guests · 1 bedroom · 1 bed · 1 bath



**Entire home**

You'll have the guest suite to yourself.

**Enhanced Clean**This Host committed to Airbnb's 5-step enhanced cleaning process. [Show more](#)**Self check-in**

Check yourself in with the keypad.

**Free cancellation before Apr 13**

Centrally located guest suite with private entrance and patio with gas fire pit. Minutes from freeways and airport. Firm King sized bed, amazing luxury shower, and refrigerated air conditioning, Off-street parking (~24'). Light, bright, peaceful, and modern with impeccable attention to detail. Heated bidet toilet seat. Perfect for a couple traveling for business or pleasure. Roku TV with Netflix & Amazon Prime. No cleaning fee. **~205 square feet...**

[Show more >](#)**Where you'll sleep****Bedroom****\$118** / night★ 4.90 · [349 reviews](#)

CHECK-IN 4/18/2022	CHECKOUT 4/19/2022
GUESTS 1 guest ▼	

Reserve

You won't be charged yet

<u>\$118 x 1 night</u>	\$118
<u>Service fee</u>	\$17
<u>Occupancy taxes and fees</u>	\$18
Total	\$153

This is a rare find. Kylie's place on Airbnb is usually fully booked.

[Report this listing](#)

067

1 king bed

What this place offers

-  Wifi
-  Free parking on premises
-  TV with Amazon Prime Video, Netflix, Roku
-  Air conditioning
-  Private patio or balcony
-  Hair dryer
-  Refrigerator
-  Breakfast
-  Long term stays allowed

Show all 27 amenities

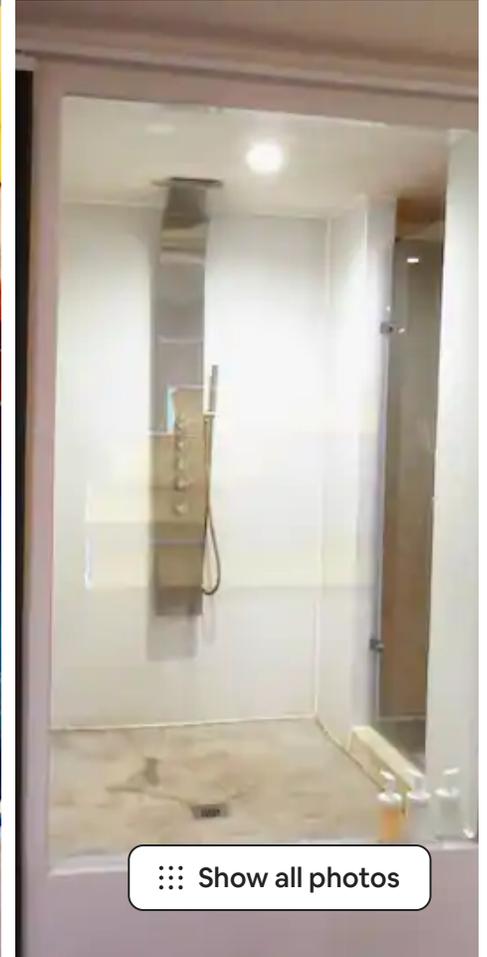
1 night in Albuquerque

068

Danish Modern Luxury Spa Retreat

★ 4.93 · [638 reviews](#) · Superhost · [Albuquerque, New Mexico, United States](#)

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Show all photos

Entire guest suite **hosted by Kylie**

2 guests · 1 bedroom · 1 bed · 2 baths





Entire home

You'll have the guest suite to yourself.



Enhanced Clean

This Host committed to Airbnb's 5-step enhanced cleaning process. [Show more](#)



Self check-in

Check yourself in with the keypad.



Free cancellation before Apr 13

Private entrance and yard suite with king bed, huge luxury shower, newly added private outdoor japanese style hot water jetless soaking tub. Off-street parking (~24'). Light, bright, peaceful, and modern with impeccable attention to detail. Heated bidet toilet seat. Jura Espresso maker. Roku TV with Netflix & Amazon Prime. Easy I40 & I25 freeway access. No cleaning fee. ~425 square feet. ...

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Where you'll sleep



Bedroom

\$149 / night

★ 4.93 · [638 reviews](#)

CHECK-IN 4/18/2022	CHECKOUT 4/19/2022
GUESTS 1 guest ▼	

Reserve

You won't be charged yet

<u>\$149 x 1 night</u>	\$149
<u>Service fee</u>	\$21
<u>Occupancy taxes and fees</u>	\$23
Total	\$193

This is a rare find. Kylie's place on Airbnb is usually fully booked.

[Report this listing](#)

070

1 king bed

What this place offers

-  Wifi
-  Free parking on premises
-  Private hot tub
-  TV with Amazon Prime Video, Netflix, Roku
-  Central air conditioning
-  Private patio or balcony
-  Backyard
-  Indoor fireplace
-  Hair dryer
-  Refrigerator

Show all 32 amenities



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

Kylie and Zephyr Renner request a conditional use to allow an accessory dwelling unit without a kitchen for Lot 1, Block N, Netherwood Park 1st Replat, located at 2702 Morrow RD NE, zoned R-1D [Section 14-16-4-3(F)(5)(g)]

Special Exception No:..... **VA-2021-00399**
Project No: **Project#2021-006176**
Hearing Date: 12-21-21
Closing of Public Record: 12-21-21
Date of Decision: 01-05-22

On the 21st day of December, 2021, property owners Kylie and Zephyr Renner (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow an accessory dwelling unit without a kitchen (“Application”) upon the real property located at 2702 Morrow RD NE (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a conditional use to allow an accessory dwelling unit without a kitchen.
2. The City of Albuquerque Code of Ordinances Section 14-16-6-6(A)(3) (Review and Decision Criteria– Conditional Use) reads: “*An application for a Conditional Use Approval shall be approved if it meets all of the following criteria:*”
 - 6-6(A)(3)(a) *It is consistent with the adopted ABC Comp Plan, as amended.*
 - 6-6(A)(3)(b) *It complies with all applicable provisions of this IDO, including but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in a prior permit or approval affecting the property, or there is a condition of approval that any Variances or Waivers needed to comply with any of these provisions must be approved or the Conditional Use Approval will be invalidated pursuant to Subsection (2)(c)2 above.*
 - 6-6(A)(3)(c) *It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community.*
 - 6-6(A)(3)(d) *It will not create material adverse impacts on other land in the surrounding area through increases in traffic congestion, parking congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts.*
 - 6-6(A)(3)(e) *On a project site with existing uses, it will not increase non-residential activity within 300 feet in any direction of a lot in any Residential zone district between the hours of 10:00 P.M. and 6:00 A.M.*
 - 6-6(A)(3)(f) *It will not negatively impact pedestrian or transit connectivity without appropriate mitigation.*

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. Agent appeared and gave evidence in support of the application.
6. All property owners within 100 feet and affected neighborhood association(s) were notified.
7. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval is consistent with the ABC Comp. Plan, as amended. Specifically, it appears from Applicant's testimony and evidence that the community would benefit from an attractive and harmoniously designed accessory structure to allow uses compatible with single family dwellings demonstrates that the requested Conditional Use approval would help "create healthy, sustainable communities with a mix of uses that are conveniently accessible from surrounding neighborhoods" as stated as a goal in ABC Comp. Plan Policy 5.2.1.
8. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval complies with all applicable provisions of the IDO, including, but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in any prior permit or approval affecting the property. Specifically, Agent testified and confirmed in written submittals that the requested Conditional Use approval would comport with all applicable requirements. No prior permits or approvals apply.
9. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community. Specifically, Agent testified and confirmed in written submittals that the requested Conditional Use approval would not create any adverse impact and would in fact enhance property values of the subject site and thereby to the neighboring parcels. Although some community members spoke in opposition to the Application, citing AirBnB uses, a mirror placed on a utility pole, and home business uses, it appears from testimony by Applicant that Applicant is in compliance with all regulations regarding AirBnB and home business uses of the Subject Property, and the mirror is not germane to the Application.
10. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval will not create material adverse impacts on other land in the surrounding area, through increases in traffic congestion, parking, congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts. Specifically, Agent testified and confirmed in written submittals that the requested Conditional Use approval would not create any adverse impact and would not increase traffic congestion, parking, congestion, noise, or vibration. Also, Applicant is providing for off-street parking as required by the IDO.
11. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval will not increase non-residential activity within 300 feet of a lot in any residential zone district between the hours of 10:00 pm and 6:00 am. Specifically, Agent testified that non-residential activity would not increase in any prohibited manner.

12. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval will not negatively impact pedestrian or transit connectivity without appropriate mitigation. Specifically, Agent testified that no negative impact on pedestrian or transit connectivity would result.
13. The City Traffic Engineer submitted a report stating no objection to the Application.
14. Applicable Use-Specific Standards are listed in IDO Section 13-16-4-3(F)(5). Applicant testified that the requested Conditional Use approval would comport with all Use-Specific standards.

DECISION:

APPROVAL of a conditional use to allow an accessory dwelling unit without a kitchen.

APPEAL:

If you wish to appeal this decision, you must do so by January 20, 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
Kylie and Zephyr Renner, revkylie@gmail.com
Kevin Murphy, kevin@altura-real-estate.com
Ana Maria amagoncas@gmail.com
Kelli Judkins-Cooper, kellijc.kjc@gmail.com
Ross Casey, rosscasey@gmail.com
Todd Hinson, 2630 Morrow RD NE, 87106



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

MINUTES

December 21, 2021

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-2021-00399
PR-2021-006197
Kylie & Zephyr Renner Appeal

ZHE: Next, is agenda item 20. Agenda item 20 is VA-2021-00399 and it's project number, PR-2021-006176 [006197], Kylie and Zephyr Renner request a conditional use to allow an accessory dwelling unit without a kitchen for Lot 1, Block N, Netherwood Park First Replat, located at 2702 Morrow Road NE, zoned R-1D. I see the Renner's, there. Hello.

KYLIE RENNER: Hello.

ZEPHYR RENNER: Hello.

ZHE: Looks like we're getting some feedback. Let me see. Maybe, try, try muting one and un-muting the other. I see two, I see two screens up maybe that has something to do with it. Are you still there?

ZEPHYR RENNER: Yes.

KYLIE RENNER: We are. Why don't you just close out? Is it okay if we're on one screen?

ZHE: Oh yeah, that'd be fine.

KYLIE RENNER: Okay, here we are.

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

KYLIE RENNER: Kylie Renner, 2702 Morrow Road NE, Albuquerque, NM and...

ZEPHYR RENNER: Zephyr Renner, the same address.

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

KYLIE RENNER: Yes.

ZEPHYR RENNER: Yes, sir.

ZHE: Thank you. All right, please tell me about the proposed accessory dwelling unit.

KYLIE RENNER: So yeah, we live in this really interesting neighborhood and on this great property that happens to have three sides that are streets and we are - - what we considered like the entrance to the neighborhood, everyone kind of drives by our home. And, when we moved in, in 2017, the house was in incredibly bad disrepair, the roof was leaking, there were puddles on the ground inside. And, the particularly bad looking area was the backyard, there was this fence that was falling down, it was stuck together, we'd like to say with bubble gum and bailing wire. And so, over the last few years, we've been really working on making the house be a credit to the neighborhood and as has happened for so many people during the pandemic, our relationship to work has changed. And so, what we decided originally, we had been thinking that we would be building a garage space to add into the backyard and we realized as this, these years have gone by, that what we really needed was a place to work from home.

That, that our businesses and the things that we do, because we work from home, require us have space to do that and that we don't really need a garage. So, it is our understanding that we're going through this process because this building that we are presenting to you today is a building that would be, also be able to be used as living space and not just a garage. So, the interesting part of this is that the placement of this building is in keeping with many of the homes here, all along Indian School. Many, many people have accessory buildings in their backyards. It's kind of a whole row of us here that, that have that. And so, as a designer and a creator, I am really excited about this building, about how it will impact the beauty of this neighborhood and we have - - I've always had this dream of building a butterfly roof, which if you're not familiar with, is a roof that kind of has the apex in the center instead of the - - excuse me, I am nervous - - the bottom part instead of sides and so, I'm excited about the beauty of this building and being able to separate our, our home space from our workspace. Right now, we use our living room and our front porch to do a lot of work and it would be great to be able to have those things be in a separate space because otherwise we are really, really bad at stopping working for the day and we just keep on working. So, we've familiarized ourselves with the IDO and the zoning code and Planning staff has been amazing at helping us understand how to apply all of the rules to this particular property and I think that - - from the perspective of the justification that we're, that all of this will benefit our community and add no extra or any adverse impacts to anyone and that - - Do you have anything to add?

ZEPHYR RENNER: No, I think that covers it. Questions for us? We're homeowners; this is the first time we've ever done anything like this.

ZHE: All right, very good. No and thank you for the plans, I do see the butterfly roof as you describe it. That's a very interesting design so thank you for submitting those elevations. Excuse me. And then, I also see sort of an aerial, sort of a top down site plan that you submitted that's helpful to see the location of the proposed structure.

KYLIE RENNER: Yes, it's there on the Indian School frontage. That space has been really...

ZEPHYR RENNER: Hot and dry and...

KYLIE RENNER: Hot and dry and loud...

ZEPHYR RENNER: Miserable and loud...

KYLIE RENNER: So, this building would kind of create a buffer between our house and that area as well.

ZEPHYR RENNER: And, it would, it would present the neighbor a lot - - almost everyone who drives into Netherwood Park comes by our house, they don't - - there are a few entrances but they are less used because they're more dangerous and so people use this one. For the entire history of the neighborhood, that's been a kind of miserable presentation of the neighborhood and this would create a piece of architectural interest there instead of a dead fenced in yard.

KYLIE RENNER: That fits in with architectural, beautiful architectural interest of this neighborhood.

ZEPHYR RENNER: Yeah, the butterfly roof was a thing that they kind of started doing in the 50's and 60's. It's mid-century modern because the technology to do a roof that's kind of upside down like that was invented slightly prior to that and then people were like, "Wow! That's a really, really cool looking roof, I want one of those," you know so, it's in fitting with the mid-century modern houses right around it.

ZHE: Okay yeah. And then, you know there was a - - we got some correspondence of - - I don't know if I would say opposition but, someone sort of having some questions. Did you get a copy of that?

KYLIE RENNER: Yeah, we did.

ZEPHYR RENNER: Is this Kevin Murphy? I don't know what you've got. We got that.

ZHE: Yes, correct.

ZEPHYR RENNER: We got that.

KYLIE RENNER: Okay.

ZHE: Would you like to address any of those comments?

KYLIE RENNER: Sure. So, I'm not sure exactly what's germane to this actual process but the first concern was that somehow this was going to be an accessory dwelling with a kitchen which is not what we're proposing and so I'm not sure exactly how to address that since we don't want a kitchen. I have a beautiful kitchen in the house. I have no use for another kitchen. I do have a use for a utility room so that, that's part of this structure that we're building. So, do you have any - - I'm not - - So, some of this stuff, I don't know how to respond to. I know that I - - we don't need a - - we have no use for a garage but we do have use for off street parking so, we have included off-street parking which is also a concern here.

ZEPHYR RENNER: I think it's a requirement following the number of bathrooms so we had to have off-street parking.

KYLIE RENNER: So, it also seemed like there was confusion about the actual code. Kevin Murphy says that accessory dwelling units are not allowed to exceed 25% of the primary residence but, the code references that it's 25% of the side and rear yards. And so, we went to Concetta when we were first creating this plan and we, she pulled up our site plan on an aerial view, our, our home so she could show us how to calculate that because we're on three streets. Like, which one is our side, which one is our front? And, on our site plan, we've included the calculation that our total lot is 12,196 square feet. Our front yard is 2,192. Our rear and side are 10,004.8 and so, the max allowed, according to the 25% would be to actually create a building, auxiliary building that's 2,501 square feet. So, our proposed building is 694 square feet which we, we understand it fits within what the, what code requires and what zoning requires. And, he also references the side setback, which for auxiliary buildings is zero. He also mentions that there was an easement in the 1951 plat and I have a copy in front of me of the quitclaim from 1989 saying that they vacated that easement. And so, I'm not exactly sure - - There's also - - There seems to be as a significant concern about a curb cut it was done in 2019. We went to Traffic, Hector and he drew where we should do it. We went through one of the bonded contractors through the City of Albuquerque. They got a permit. It was done by Pyramid Concrete. The City came and inspected it after

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the work was done. So, all of that was done completely above board so, I understand there's concern. There's a lot of speeding that happens on Indian School, here. We actually have a speed camera and sign right now because it's obvious that the City understands that this is an issue as well but we have done a lot of work to clear that and make the intersection as safe as possible. We've cut down a wall, in fact removed 20 feet of wall so that people can see more clearly. So, I'm - - So, as a homeowner, I just don't under - - I'm not sure exactly what's germane to this process, and the concerns. We have had no violations or - - or people saying that there's something we've done that is in violation so, we don't know how to respond as it doesn't seem like it germane to this project.

ZHE: Yeah, no, I think that's, I think that's fair and I think you've addressed the things that are specific to the elements of conditional use. We'll allow - - you know, there's gonna be public comment and you'll get a chance to respond.

KYLIE RENNER: Of course.

ZHE: Thank you for filling in some of those details and I just will note for the record that the City Traffic Engineer submitted a report indicating no objection to the proposal after having viewed your application. Okay. Is there anything else that you'd like to add before we call for public comment?

KYLIE RENNER: I don't believe so.

ZHE: Okay, thank you. Well you'll get the chance to respond to any public comment.

KYLIE RENNER: Thank you.

ZHE: So, again, this is agenda item 20 and it's Kylie and Zephyr Renner requesting a conditional use for an accessory dwelling unit at 2702 Morrow Road. Please raise your hand if you'd like to speak on that matter. I see Kevin Murphy. Are you there, sir? It looks like you're muted there.

KEVIN MURPHY: There. Can you hear me?

ZHE: Yes. Yes, I can hear you. Good morning, sir.

KEVIN MURPHY: Good morning.

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

KEVIN MURPHY: Yes, Kevin Martin 2401 Ada PI NE, 87106.

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

KEVIN MURPHY: Yes, I do.

ZHE: Thank you, sir. Go ahead. Two minutes, please.

KEVIN MURPHY: I stand by my earlier comments and questions about this application and I am opposed to it. The applicants advertise certain events at this property with A-frame signs on adjoining streets that are intended, I believe to attract the general public. The site plan also does not show two existing accessory structures that currently are on the back, rear portion of the property. So, this new structure would make three accessory structures on that property. The utility room, if indeed it has water and sewer connections, could easily be converted into a kitchen and this, while, it's described as two home offices with a utility room, could very well, in the future be used as a Casita like structure which is prohibited in an R-1. With respect to the southern curb cut, if the traffic engineer believes that being only 8 feet from the corner return of Indian School Road and Princeton is, is appropriate then I guess I'm not gonna second guess that judgment but. But, somebody has put a large mirror on a public telephone pole to facilitate access to the driveway. The plan, site plan that was presented, indicates four new off-street parking spaces, in addition to the three existing spaces that are already there. So, I would say, well, why so many? It's a question. I searched the City of Albuquerque database for home business licenses and I could not find one for this particular location. I searched all of zip code, 87106 and there was no license that was identifiable to this particular address. The - - With respect to the 25%, I could've had it wrong but I think if you have a home business in your primary residence, it's limited to 25%. According to the appraisal website, the primary dwelling is 2,006 square feet. So, 25%, if the home office were in that primary structure would be limited to certainly less than the 695 square feet that is being requested. So, I think there's a whole lot of questions and quite honestly, I don't, I don't think we - - the claim that neighborhood, Netherwood Park Neighborhood Association needs some sort of entrance and greeting into our neighborhood that is a structure that they're presenting, I think is kind of wrong minded.

ZHE: Thank you, Mr. Murphy. Okay, let's see if there's any additional public comment. Again, this is agenda item 20, Kylie and Zephyr Renner requesting a conditional use for accessory dwelling unit at 2702 Morrow. Please raise your hand if you'd like to speak on that item. I'm scrolling through the participant list. Let's see, I see and RC with their hand raised.

ROSS CASEY: Yes, hi. This is Ross Casey.

ZHE: Hello, Mr. Casey. Would you please state your mailing address for the record?

ROSS CASEY: Yeah, it's 1706 Princeton Drive NE, Albuquerque, NM 87106.

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?

ROSS CASEY: I do.

ZHE: Thank you, sir. Go ahead, two minutes please.

ROSS CASEY: Yeah, it's more of a question. The property that they're speaking of, the homeowners, they have a couple Airbnb's on their property, which are the two other structures that I believe Kevin is talking about. And so, I think some of the worry around the neighborhood, speaking to neighbors is this could easily be turned into an Airbnb again, since they already have the running water and utilities in

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there. So, what's from keeping them from not adding another Airbnb and it's becoming like a little hotel on the corner of our street which is -- the rest of the houses are just a single-family homes.

ZHE: Thank you, sir. We'll give them the opportunity to address your question.

KYLIE RENNER: May I, may we respond to that?

ZHE: Yeah, go ahead. Let, let's see if there's any additional public comment and then, actually and then we will let you go cause that I don't see anyone that raised their hand but let's double check. So, agenda item 20 Kylie and Zephyr Renner requesting a conditional use for accessory dwelling unit. Please raise your hand. I'd like to -- Let's see. I see a Todd Hynson, I believe.

TODD: HYNSON: Yes, sir.

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

TODD: HYNSON: Yes, sir Todd Hynson, 2630 Morrow Road NE.

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

TODD: HYNSON: I do.

ZHE: Thank you, sir. Go ahead, two minutes, please.

TODD: HYNSON: Sure. My concern about this proposal and I haven't had a chance, I've been kind of busy but I haven't had a chance to look at everything but I'm sort of echoing what the, the last comment was. My concern is about the Airbnb factor and I am concerned about the size of the lot and there being multiple Airbnb's there. I've actually looked at renting one of those and I thought it was because it was right down the street from my house so, I thought it would be great but then I saw this and I thought wow, that's an awful lot and it just doesn't seem appropriate for that intersection so that's my concern and I appreciate the opportunity to publicly comment.

ZHE: Thank you for your testimony Mr. Hynson. All right. Again, agenda item 20. Please raise your hand if you'd like to address agenda item 20 and have not yet spoken. I'm scrolling through the participant list and I don't see anyone with a hand raised. Again, agenda item 20. Last call for agenda item 20. Okay, Mr. and Mrs. Renner, it doesn't appear that there's any additional public comment. Would you like to address the testimony that's been provided?

KYLIE RENNER: Yes, absolutely. So, I think one of the most important things to bring up is that, that these structures that they're saying that there's some confusion about are sheds. They're less than 100 square feet. They're not on permanent foundations. They hold Zephyr's tools and one of them holds my art stuff. And so, they are actually -- the intention is that the things that are in them are going to get moved into this next structure that we want to build so that we have better access to them. And the other buildings, the other sheds would be able to be disassembled and we actually did it in a way that the materials could be reused since that's so important to us. So, there's some confusion about that and

I just want to also acknowledge that yes, we do have Airbnb's. They are - - We were issued one of the first licenses in May, on May 3rd of 2021. For our property, we have a maximum occupancy through the City, of 10 people. We have no intention of changing that. We are already using the building for that purpose so; this is a way of making it so that we have space designated for our personal creative projects and our uses. It seems like there's confusion as well about - - I'm a minister and, and since the pandemic, we've been holding small, tiny gatherings in our, in our yard, in our front yard. We have done so because we were renting space at the Outpost Performance Center before the pandemic and when the pandemic hit, we realized it's really not safe to be meeting indoors especially since many of our community members are elder and at risk. And so, we decided that in order to create continuity we were going to meet outdoors and so that's what's happening there. We have a business license. I am not certain on why, both for One Spiritual Center as well as for Zephyr Leaf Renner which is other business and I am not certain why that would not be able to be found. And, then the whole idea that our utility room would be or could be converted into a kitchen, I don't know, you know, any room could get converted into a kitchen. I don't know how to - - Like - - And, the City has remedies for that, for illegal kitchens so if that ever became an issue, I know that there are remedies that are separate from this process. And, and we - - So, we did install a mirror on the telephone pole because we had a neighbor walk by and they mentioned that, that we should try and see if it would make it safer for everyone because you can't really - - that telephone pole, is in the middle of the sidewalk and it is hard to see around and so we thought we were helping the neighborhood. We will happily take it down. We spent our own money to try and help the community, so. I think the only other thing, which I still don't understand why it's an issue, but we have parking in our backyard right now, we had a curb cut since 2019. There are four spaces back there. We're exceeding what is the required by code just to give ourselves flexibility but that has nothing - -

ZEPHYR RENNER: We're not taking up public street parking too, so it just seemed like the right thing to do by adding four spaces. I mean, we can go down to the code-required minimum per bathroom, I don't know what it is off the top of my head, so.

KYLIE RENNER: So, I think that that's - - And, I actually - - The home business, I mean so, home office/home business, like, I'm an artist. How much of my house am I allowed to use for that? I think for, I think what Kevin Murphy is referring to, as far as I know, is for tax purposes, that you can't claim more than 25 or that's the maximum for claiming it but like, I have no idea how that has anything to do with what we're doing so.

ZHE: Okay. Well, thank you for your response. You've given me a lot to consider. I will take it all under consideration and appreciate everyone's testimony today and the applicant's for all of your submittals and I'll...

KYLIE RENNER: I am sorry; I just want to mention that if, if any of the neighbors want to talk to us about our plans, we would be happy to talk to you. We have had people come stop by and ask what we were planning and we shared with them our plans and they've gotten really excited about it. So, I, I, I would like to be able to address people. We want to be good neighbors and I'd like to address people's concerns.

ZHE: Thank you. All right, well I will take all of this under consideration and issue the written decision in 15 days. Thank you everybody.

VA-2021-00399
PR-2021-006197
Kylie & Zephyr Renner Appeal

KYLIE RENNER: Thank you.

ZEPHYR RENNER: Thank you, sir.

ZHE: That concludes agenda item 20.

Planning Department
Alan Varela, Interim,, Planning Director

Development Review Division

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

NOTICE OF APPEAL

January 26, 2022

TO WHOM IT MAY CONCERN:

The Planning Department received an appeal on January 25, 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 Alfredo Ernesto Salas, Planning Administrative Assistant at (505) 924-3370.

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

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

CITY COUNCIL APPEAL NUMBER: AC-22-2
PLANNING DEPARTMENT CASE FILE NUMBER:
PR-2021-006176, VA-2022-00018, VA-2021-00399

APPLICANT: Kevin Murphy
2401 Ada Pl. NE
Albuquerque NM, 87106

Kelli Judkins-Cooper
2701 Morrow Rd. NE
Albuquerque NM, 87106

AGENT: Kim Murphy, Altura Real Estate LLC
8633 Kacey Ln SW
Albuquerque NM, 87105

cc: Crystal Ortega, City Council, City county bldg. 9th floor
Kevin Morrow/Legal Department, City Hall, 4th Floor-
Kevin Murphy, kevin@altura-real-estate.com
Kelli Judkins-Cooper, kellijc.kjc@gmail.com
Kylie and Zephyr Renner, revkylie@gmail.com
Ana Maria, amagoncas@gmail.com
Ross Casey, rosscasey@gmail.com
Todd Hynson, 2630 Morrow RD NE, Albuquerque NM 87106



ZONING HEARING EXAMINER'S AGENDA

TUESDAY, December 21, 2021 9:00 A.M.

Join Zoom Meeting
<https://cabq.zoom.us/j/7044490999>
Meeting ID: 704 449 0999
 One tap mobile
 +1-669-900-6833,,7044490999# US (San Jose)
 +1-253-215-8782,,7044490999# US (Tacoma)
 Dial by your location
 +1 669 900 6833 US (San Jose)
 +1 253 215 8782 US (Tacoma)
 +1 346 248 7799 US (Houston)
 +1 646 558 8656 US (New York)
 +1 301 715 8592 US (Germantown)
 +1 312 626 6799 US (Chicago)
 Meeting ID: 704 449 0999
 Find your local number: <https://cabq.zoom.us/u/a2s7T1dnA>

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

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

PLEASE ADDRESS ALL CORRESPONDENCE TO:
Robert Lucero, Esq., Zoning Hearing Examiner at
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.

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OLD BUSINESS:

- | | | | |
|----|---------------|--------------------------------|---|
| 1. | VA-2021-00359 | Project#
PR-2021-
006085 | Carlos Hernandez requests a variance to allow a 6 ft solid wall in the front yard for Lot 8, Highland Place, located at 621 Santa Fe Ave SE, zoned R-1A [Section 14-16-5-7-D] |
|----|---------------|--------------------------------|---|

2. VA-2021-00360 Project#
PR-2021-
006085 Carlos Hernandez requests a permit-wall or fence-major for Lot 8, Highland Place, located at 621 Santa Fe Ave SE, zoned R-1A [Section 14-16-5-7-D]

NEW BUSINESS:

3. VA-2021-00379 Project#
PR-2021-
006156 City of Albuquerque Family and Community Services Dept (Agent, Sites Southwest) request a variance of 6.2 to the required 30% of clear transparent windows on the ground floor facing Knotts Landing Ct for Lot 3A, Block 2, Metz-Robertson Addn, located at 109 60th ST NW, zoned MX-M [Section 14-16-5-11(E)(2)(b)(2)]
4. VA-2021-00380 Project#
PR-2021-
006156 City of Albuquerque Family and Community Services Dept (Agent, Sites Southwest) request a variance to 1 of the 3 required facade design elements on the street facing facade facing Knotts Landing Ct for Lot 3A, Block 2, Metz-Robertson Addn, located at 109 60th ST NW, zoned MX-M [Section 14-16-5-11(E)(2)(b)(3)]
5. VA-2021-00381 Project#
PR-2021-
006156 City of Albuquerque Family and Community Services Dept (Agent, Sites Southwest) request a variance of 2 ft 2 inches to the required 10 ft minimum ground floor clear height for Lot 3A, Block 2, Metz-Robertson Addn, located at 109 60th ST NW, zoned MX-M [Section 14-16-5-11(E)(1)]
6. VA-2021-00382 Project#
PR-2021-
002253 Marie Coleman (Agent, Owen Kramme) requests a conditional use to allow artisan manufacturing in the MX-T zone district Lot 231, MRGCD MAP 38, located at 522 Romero ST NW, zoned MX-T [Section 14-16-4-2]
7. VA-2021-00383 Project#
PR-2021-
002253 Marie Coleman (Agent, Owen Kramme) requests a conditional use to allow artisan manufacturing in the MX-T zone district Lot 232A/Old Town Park, MRGCD MAP 38, located at 522 Romero ST NW, zoned MX-T [Section 14-16-4-2]
8. VA-2021-00385 Project#
PR-2021-
006168 John Brant (Agent, Kathleen Ahghar) requests a permit to allow for a carport in the side yard setback for Lot 15, Block 40, Parkland Hills, located at 1019 Idlewilde Lane SE, zoned R-1D [Section 14-16-5-5(F)(2)(a)(3)(b)]
9. VA-2021-00386 Project#
PR-2021-
006168 John Brant (Agent, Kathleen Ahghar) request a variance of 3 feet to the required 3 feet from a lot line for Lot 15, Block 40, Parkland Hills, located at 1019 Idlewilde Lane SE, zoned R-1D [Section 14-16-5-5(F)(2)(a)(3)(c)]
10. VA-2021-00387 Project#
PR-2021-
006169 Barbara Burns requests a permit wall or fence major for Lot 46, Block 29, Four Hills Village Fifth Installment, located at 1319 Wagon Train CT SE, zoned R-1D [Section 14-16-5-7(D)]

11. VA-2021-00388 Project#
PR-2021-
006172 John & Debra Herring (Agent, Hilltop Landscaping) request a permit wall or fence major for Lot 4, Block 8, Haines Park Addn, located at 1512 Wellesley DR NE, zoned R-1C [Section 14-16-5-7(D)]
12. VA-2021-00389 Project#
PR-2021-
006173 Ernest Herrera requests a variance of 11 ft 8 inches to allow an accessory building 14 ft 8 inches in height in a required street side setback, where height is limited to the maximum allowed wall height of 3 ft for Lot 1, Block 5, Holiday Park Unit 4, located at 3100 Tahiti ST NE, zoned R-1C [Section 14-16-5-11(C)(4)(b)]
13. VA-2021-00402 Project#
PR-2021-
006173 Ernest Herrera requests a variance of 9 ft to the required 10 ft corner side yard setback for Lot 1, Block 5, Holiday Park Unit 4, located at 3100 Tahiti ST NE, zoned R-1C [Section 14-16-5-11(C)(4)(c)]
14. VA-2021-00390 Project#
PR-2021-
006174 Jared Congdon (Agent, Roger Congdon) requests a variance of 4 ft for a retaining wall in the rear yard for Lot 19A, Stonegate Village located at 4909 Oso Grande PL NE, zoned R-T [Section 14-16-5-7(D)]
15. VA-2021-00391 Project#
PR-2021-
006175 William & Mary Frances Dorman (Agent, Mark Weaver) request a variance to allow an 11 ft 6 inch solid wall/fence where the height is limited to a 6 ft courtyard wall in the front yard, greater than 10 ft from the front lot line and also where limited to an 8 ft wall/fence in the side yard for Lot 3, Block 1, Academy Estates Unit 1, located at 7811 Academy TRL NE, zoned R-1D [Section 14-16-5-7(D)]
16. VA-2021-00392 Project#
PR-2021-
006176 Herb & Susan Guttler (Agent, Kyle Deacon) requests a taller wall permit in the front yard Lot 16, Block 13, House Replat Knob Heights Addn, located at 3413 Vail Ave SE, zoned R-MH [Section 14-16-5-7(D)]
17. VA-2021-00393 Project#
PR-2021-
006176 Herb & Susan Guttler (Agent, Kyle Deacon) request a variance for a 6 foot view fence in the required front yard for Lot 16, Block 13, House Replat Knob Heights Addn, located at 3413 Vail Ave SE, zoned R-MH [Section 14-16-5-7(D)]
18. VA-2021-00394 Project#
PR-2021-
006176 Herb & Susan Guttler (Agent, Kyle Deacon) requests a taller wall permit in the front yard for Lot 17, Block 13, House Replat Knob Heights Addn, located at 3417 Vail Ave SE, zoned R-MH [Section 14-16-5-7(D)]
19. VA-2021-00395 Project#
PR-2021-
006176 Herb & Susan Guttler (Agent, Kyle Deacon) request a variance for a 6 foot view fence in the required front yard for Lot 17, Block 13, House Replat Knob Heights Addn, located at 3417 Vail Ave SE, zoned R-MH [Section 14-16-5-7(D)]

20. VA-2021-00399 Project# PR-2021-006176 Kylie and Zephyr Renner request a conditional use to allow an accessory dwelling unit without a kitchen for Lot 1, Block N, Netherwood Park 1st Replat, located at 2702 Morrow RD NE, zoned R-1D [Section 14-16-4-3(F)(5)(g)]
21. VA-2021-00400 Project# PR-2021-005573 Netflix, LLC (Agent, Will Gleason, Dekker Perich Sabatini) requests a variance of 20 feet to allow intervals of 50 feet wall variations for Lot 26, Mesa Del Sol Innovation Park, located at 5650 University BLVD SE, zoned PC [Section 14-16-2-6(B)(5)]
22. VA-2021-00403 Project# PR-2021-006208 98th Street, LLC- Toot'n Totum (Agent, Modulus Architects) requests a conditional use to allow for a light fueling station adjacent to a residential zone for Lot E-5-A-2, Albuquerque South Unit 3, located at 99999 Gibson BLVD SW, zoned MX-M [Section 14-16-4-3(D)(18)(g)]
23. VA-2021-00404 Project# PR-2021-006208 98th Street, LLC- Toot'n Totum (Agent, Modulus Architects) requests a conditional use to allow for liquor retail in an MX-M zone district for Lot E-5-A-2, Albuquerque South Unit 3, located at 99999 Gibson BLVD SW, zoned MX-M [Section 14-16-4-3(D)(39)(f)]
24. VA-2021-00405 Project# PR-2021-006208 98th Street, LLC- Toot'n Totum (Agent, Modulus Architects) requests a conditional use to allow for liquor retail within 500 feet of a residential zone for Lot E-5-A-2, Albuquerque South Unit 3, located at 99999 Gibson BLVD SW, zoned MX-M [Section 14-16-4-3(D)(39)(c)]
25. VA-2021-00406 Project# PR-2021-006208 98th Street, LLC- Toot'n Totum (Agent, Modulus Architects) requests a variance of 144.5 to the required 15 maximum setback for a building containing 1000 sq ft or more in an activity center for Lot E-5-A-2, Albuquerque South Unit 3, located at 99999 Gibson BLVD SW, zoned MX-M [Section 14-16-4-3(D)(18)(l)]