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**AC-22-21,**

**PR-2022-007414-VA-2022-00206-VA-2022-00308**

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Mayor Timothy M. Keller

# CITY OF ALBUQUERQUE

Albuquerque, New Mexico

## Planning Department

### INTER-OFFICE MEMORANDUM

November 17, 2022

**TO:** Isaac Benton, President, City Council

**FROM:** Alan Varela, Planning Director   
Alan Varela (Nov 22, 2022 08:05 MST)

**SUBJECT:** AC-22-21, PR-2022-007414-VA-2022-00206-VA-2022-00308:

**Giuseppe Moscardelli, appeals the Zoning Hearing Examiner's decision to Deny a wall permit-major in the front and street side yard for Lot 13, Block 28, Monte Vista Addn, located at 3519 Berkeley PL NE, zoned R-1B [Subsection 14-16-5-7(D)(3)(g)]**

### OVERVIEW

On the 20th day of September, 2022, property owner Giuseppe Moscardelli appeared before the Zoning Hearing Examiner (ZHE) requesting a Permit – Wall or Fence – Major in the front and street side yard upon the real property located at 3519 Berkeley PL NE.

The ZHE denied the request based upon five (5) findings in the Notice of Decision issued on October 5, 2022.

The Applicant timely filed an appeal of the ZHE's decision on October 11, 2022.

### BASIS FOR APPEAL

IDO Subsection 14-16-6-4(V)(4) outlines the applicable criteria for the appeal in determining whether the ZHE erred in its decision:

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

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

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

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

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

## STAFF RESPONSE

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

- *14-16-6-4(V)(3)(a)(3) of the Integrated Development Ordinance (IDO) requires that the "appeal shall specifically state the section of this IDO, City regulation, or condition attached to a decision that has not been interpreted or applied correctly."*
- *There is no mention in the appellant's letter that the ZHE acted fraudulently, arbitrarily, or capriciously.*
- *There is no mention in the appellant's letter that the decision being appealed is not supported by substantial evidence.*
- *There is no mention in the appellant's letter that the ZHE erred in applying the requirements of this IDO (or a plan, policy, or regulation referenced in the review and decision-making criteria for the type of decision being appealed).*
- *The Appellant states, "I do not understand why there is no recourse built in to the IDO for my area to not even be able to apply for a variance to be considered for a wall over 3 ft. This is the most restrictive situation in the city."*
- *There appears to be no language in the IDO that empowers the City to refuse an application.*
- *14-16-6-4(G)(5) of the IDO states: "On determining that the application is complete, the Planning Director shall accept the application for review in accordance with the procedures and standards of this IDO."*
- *The ZHE reviews and decides applications for Conditional Use Approvals, Expansions of Nonconforming Use or Structure, Permit – Carport, Permit – Wall or Fence – Major, and Variances.*
- *The ZHE reviewed the application and evidence presented at the September 20, 2022 hearing and found that the request conflicts with IDO Subsection 14-16-5-7(D)(3)(a)(3)(b), which prohibits the approval of a Permit – Wall or Fence – Major within the Monte Vista and College View Historic District small area where the property in the application is located.*

/ Lorena Patten-Quintana /

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


# AC-22-21-MRW


Final Audit Report


2022-11-22


Created:	2022-11-22
By:	Lucinda Montoya (lucindamontoya@cabq.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAhpOAIBo0ovH-dsqnj7Uq-LAr1TDJVqft


## "AC-22-21-MRW" History

 Document created by Lucinda Montoya (lucindamontoya@cabq.gov)  
2022-11-22 - 2:18:55 PM GMT- IP address: 143.120.133.160

 Document emailed to Alan Varela (avarela@cabq.gov) for signature  
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 Email viewed by Alan Varela (avarela@cabq.gov)  
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 Document e-signed by Alan Varela (avarela@cabq.gov)  
Signature Date: 2022-11-22 - 3:05:23 PM GMT - Time Source: server- IP address: 73.228.49.183

 Agreement completed.  
2022-11-22 - 3:05:23 PM GMT





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

Giuseppe Moscardelli requests a permit wall major in the front and street side yard for Lot 13, Block 28, Monte Vista Addn, located at 3519 Berkeley PL NE, zoned R-1B [Section 14-16-5-7(D)(3)(g)]

Special Exception No:..... **VA-2022-00206**  
Project No: ..... **Project#2022-007414**  
Hearing Date: ..... 09-20-22  
Closing of Public Record: ..... 09-20-22  
Date of Decision: ..... 10-05-22

On the 20th day of September, 2022, property owner Giuseppe Moscardelli (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a permit wall major in the front and street side yard (“Application”) upon the real property located at 3519 Berkeley PL NE (“Subject Property”). Below are the ZHE’s finding of fact and decision:

**FINDINGS:**

1. Applicant is requesting a permit wall major in the front yard and street side yard.
2. The Subject Property is a lot with low-density residential development located in the Monte Vista and College View Historic District small area.
3. Applicant appeared at the September 20, 2022 ZHE hearing in this matter and submitted evidence and testimony on behalf of the Application.
4. Applicant testified as to the factors that motivated him to construct the wall for which he seeks the permit wall major in the Application, and the ZHE can certainly understand Applicant’s motivation.
5. Unfortunately, however, City Integrated Development Ordinance (IDO) Section 14-16-5-7(D)(3)(a)(3)(b) prohibits walls greater than 3 feet in in any front or street side yard in the Monte Vista and College View Historic District small area. This prohibition requires the ZHE to deny the Application, as the cited section of the IDO states that “[n]o Permit – Wall or Fence – Major or Variance to this provision is allowed” in the Monte Vista and College View Historic District small area.

**DECISION:**

DENIAL of a permit wall major in the front yard and street side yard.

**APPEAL:**

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

A handwritten signature in dark ink, appearing to read "Robert Lucero".

---

Robert Lucero, Esq.  
Zoning Hearing Examiner

cc:

ZHE File  
Zoning Enforcement  
Giuseppe Moscardelli, [giuseppemoscardelli@gmail.com](mailto:giuseppemoscardelli@gmail.com)  
Greg Weirs [vgweirs@gmail.com](mailto:vgweirs@gmail.com)



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

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

### APPLICATION INFORMATION

Applicant: Giuseppe Moscardelli		Phone: 505 203-7122
Address: 3519 Berkeley PL NE		Email: giuseppemoscardelli@gmail.com
City: Albuquerque	State: NM	Zip: 87106-1349
Professional/Agent (if any):		Phone:
Address:		Email:
City:	State:	Zip:
Proprietary Interest in Site:		List all owners: Giuseppe Moscardelli

**BRIEF DESCRIPTION OF REQUEST** The block wall I had built was replacing a 6ft wood privacy fence on the front and side with the two now being joined.

Request for a wall major on front and side streets: Over 20% of my neighbors have walls over six feet high. For my privacy, and due to church across the street has functions most days and evenings as a church, school, and host to different anonymous groups which increase foot car traffic on my corner. I've been threatened by homeless attempting to steal my truck, waited 2 hours for police, found homeless on my property.

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

Lot or Tract No.: Lot 13	Block: 28	Unit:
Subdivision/Addition: Monte Vista addition	MRGCD Map No.:	UPC Code:
Zone Atlas Page(s):	Existing Zoning: R-1B	Proposed Zoning:
# of Existing Lots:	# of Proposed Lots:	Total Area of Site (acres):

### LOCATION OF PROPERTY BY STREETS

Site Address/Street: 3519 Berkeley PL NE	Between: Campus	and: Amherst
--	-----------------	--------------

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

VA 2022-00206	
Signature: <i>Giuseppe Moscardelli</i>	Date: 10/11/2022
Printed Name: Giuseppe Moscardelli	<input checked="" type="checkbox"/> Applicant or <input type="checkbox"/> Agent

### FOR OFFICIAL USE ONLY

Case Numbers	Action	Fees	Case Numbers	Action	Fees

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

## FORM A: Appeals

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

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

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

No Interpreter Needed for Hearing? \_\_\_\_\_ if yes, indicate language: \_\_\_\_\_

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

☒ Project number of the case being appealed, if applicable: VA-2022-00206

\_\_\_ Application number of the case being appealed, if applicable: \_\_\_\_\_

☒ Type of decision being appealed: Denial for wall major

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

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

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

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

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

Signature: Giuseppe Moscardelli

Date: 10/11/2022

Printed Name: Giuseppe Moscardelli

☒ Applicant or ☐ Agent

**FOR OFFICIAL USE ONLY**

Case Numbers:

Project Number:

Staff Signature:

Date:



October 25, 2022

Greetings,

I am the Applicant/home owner of 3519 Berkeley PL NE, Albuquerque, NM 87106. The IDO code in question is 6-4-V. I am requesting an appeal of a ZHE denial for a permit for a wall major for a wall over 3ft that has already been constructed on my property. (See attached ZHE denial)

The reason for the denial was (IDO) Section 14-16-5- 7(D)(3)(a)(3)(b) prohibits walls greater than 3 feet in in any front or street side yard in the Monte Vista and College View Historic District small area.

At no time was I informed by the City Staff of this restriction in my area, nor was this cited on the notice of violation I initially received. (See attached)

In fact I was put through the process of obtaining a wall major permit, paid my fees and followed the guidance of the Planning department. I was placed on the docket for the September 20<sup>th</sup>, 2022 ZHE hearing where I presented my case. The ZHE, (Mr. Lucero), informed me at that time that walls over 3ft high are not permitted in my area and asked if I had knowledge of this prior to the construction of the wall, which I did not.

Regarding this IDO, I do not understand why there is no recourse built in to the IDO for my area to not even be able to apply for a variance to be considered for a wall over 3ft. This is the most restrictive situation in the city.

Background of the wall in question:

In June 2022 I hired a contractor to replace a 6ft wood privacy fence with a block wall of similar height. Prior to the construction of this block wall I did not know I needed a permit since it was replacing a wood privacy fence that was on the side street and half of the front street side with an addition of the block wall to join the two corners that were not fenced in previously. Also, the block wall is of similar height and style of over 20% of the neighbors in a 330ft area.

I received a notice of violation June 22, 2022 and have cooperated with the City Planning department since then.

I have followed the instructions of the City Planning department including locating 20% of walls of similar height within a 330ft area and photographing them, sending letters to the neighbors and posting the yellow special exception request sign on my wall and have done my diligence to become compliant with the City Planning department.

My reasons for requesting a wall major on the street side and front of my property are:

- To have my home more in line with what over 20% of the homes in my neighborhood have established (stucco wall of 6ft).
- Privacy from the increased foot/auto traffic caused by the Monte Vista Church which operates as a church, school and meeting place for many anonymous 12 step groups.
- A safe outdoor space for myself and my pets. I had deliveries stolen from my home, been threatened by intruders on my property, found people sleeping on my property and looking into my windows.

From what I now understand, I should have never been put through the process for obtaining a wall major permit in my area by the city planning department but they did in fact put me through the process and accept the fee and even provided the paperwork to begin the appeal process.

Thank you for your consideration of my request for an appeal,

Giuseppe Moscardelli



# CITY OF ALBUQUERQUE

## CODE ENFORCEMENT

Plaza Del Sol Building, Suite 500

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

Albuquerque, NM 87102

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



Jun 22, 2022

### NOTICE OF VIOLATION

**DODD CALVIN LEE & MOSCARDELLI GIUSEPPE RAFFAELLO**  
**3519 BERKELEY PL NE**  
**ALBUQUERQUE, NM 87106**

Dear Property Owner:

A recent inspection was made of your property located at **3519 BERKELEY PL NE, Albuquerque, NM**. This inspection revealed one or more violations of the Integrated Development Ordinance and/or the Albuquerque Weed and Anti-Litter Ordinance.

This office would like to solicit your cooperation and community spirit in correcting the violation(s) on or before the listed "Resolve By Date" on this notice. At which time a re-inspection of the property will be conducted. Page two (or reverse) of this notice describes the violation(s) found on your property and corrective actions(s) needed to remedy the violation(s).

This notice, when in regard to the Albuquerque Weed and Anti-Litter Ordinance, is issued pursuant to Section 9-8-25 ROA 1994 and Chapter 14 Article 16 ROA 1994 requiring notification of property owner for compliance.

If the violation(s) cannot be remedied by the corrective action date, please contact me directly for consideration of an extension. Do not hesitate to contact me if you have questions concerning this matter. When contacting me please reference Notice of Violation File Number **CF-2022-021267** and address. Because I am a field inspector, the best time to reach me is before 9:00 a.m. or after 3:30 p.m. Monday-Friday.

Thank you for your cooperation on this matter.

Sincerely,

Miguel Martinez  
Code Enforcement Specialist  
(505) 252-1460

File Number: CF-2022-021267

Job Number: 160848469-001

Initial Print Date: Jun 22, 2022

Page 1 of 2



# CITY OF ALBUQUERQUE

## CODE ENFORCEMENT

Plaza Del Sol Building, Suite 500

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

Albuquerque, NM 87102

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



### Violation at Property

Address: **3519 BERKELEY PL NE, Albuquerque, NM**

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

Violation Type	Violation Description	Resolve By Date
14-16-5-7(D) Maximum Wall Height	Block wall exceeds max height allowed in the front yard. Contact Zoning Permit Counter for Fence Permit Application OR remove fencing constructed without permit. Contact Zoning Permit Counter for Fence Permit Application: 505-924-3804; 505-924-3806	Jul 6, 2022
14-16-5-7 WALLS AND FENCES	Permit required for fence erected on the property. No permit on file. Contact Zoning Permit Counter for Fence Permit Application OR remove fencing constructed without permit. Contact Zoning Permit Counter for Fence Permit Application: 505-924-3804; 505-924-3806	Jul 6, 2022

Code Sections	Code Description
14-16-5-7(D)(1)	Unless otherwise provided in this IDO, walls shall comply with the height standards in TABLE 5-7-1.
14-16-5-7(B)(2)	A wall shall be erected only after obtaining a permit, pursuant to the provisions in Subsection 14-16-6-5(J) (Wall or Fence Permit - Minor) or 14-16-6-6(N) (Variance - ZHE), as applicable.

File Number: CF-2022-021267

Job Number: 160848469-001

Initial Print Date: Jun 22, 2022

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

Giuseppe Moscardelli requests a permit wall major in the front and street side yard for Lot 13, Block 28, Monte Vista Addn, located at 3519 Berkeley PL NE, zoned R-1B [Section 14-16-5-7(D)(3)(g)]

Special Exception No:..... **VA-2022-00206**  
Project No: ..... **Project#2022-007414**  
Hearing Date: ..... 09-20-22  
Closing of Public Record: ..... 09-20-22  
Date of Decision: ..... 10-05-22

On the 20th day of September, 2022, property owner Giuseppe Moscardelli (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a permit wall major in the front and street side yard (“Application”) upon the real property located at 3519 Berkeley PL NE (“Subject Property”). Below are the ZHE’s finding of fact and decision:

**FINDINGS:**

1. Applicant is requesting a permit wall major in the front yard and street side yard.
2. The Subject Property is a lot with low-density residential development located in the Monte Vista and College View Historic District small area.
3. Applicant appeared at the September 20, 2022 ZHE hearing in this matter and submitted evidence and testimony on behalf of the Application.
4. Applicant testified as to the factors that motivated him to construct the wall for which he seeks the permit wall major in the Application, and the ZHE can certainly understand Applicant’s motivation.
5. Unfortunately, however, City Integrated Development Ordinance (IDO) Section 14-16-5-7(D)(3)(a)(3)(b) prohibits walls greater than 3 feet in in any front or street side yard in the Monte Vista and College View Historic District small area. This prohibition requires the ZHE to deny the Application, as the cited section of the IDO states that “[n]o Permit – Wall or Fence – Major or Variance to this provision is allowed” in the Monte Vista and College View Historic District small area.

**DECISION:**

DENIAL of a permit wall major in the front yard and street side yard.

**APPEAL:**

If you wish to appeal this decision, you must do so by October 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  
Giuseppe Moscardelli, [giuseppemoscardelli@gmail.com](mailto:giuseppemoscardelli@gmail.com)  
Greg Weirs [vgweirs@gmail.com](mailto:vgweirs@gmail.com)

# REQUEST FOR SPECIAL EXCEPTION

☒ Variance ☐ Conditional Use ☐ Other

Interpreter: ☐ Yes ☐ No

VA# VA-2022-00206 PR# PR-2022-007414

<b>Date: 6/29/2022</b>		<b>Received By: DPorquis</b>	
<b>Address of Request: 3519 Berkeley Pl NE</b>			
City: Albuquerque		State: NM	Zip: 87106
Lot: 13	Block: 28	Zone: R-1B	Map pg. K-16
Subdivision: Monte Vista Adnn		UPC# 101605746734611501	
<b>Property Owner(s): Giuseppe Moscardelli</b>			
Mailing Address: 3519 Berkeley PL NE			
City: Albuquerque		State: NM	Zip: 87106
Phone: 505-203-7122		Email: giuseppemoscardelli@gmail.com	
<b>Agent: Max Salinas</b>			
Mailing Address: 5812 Bellamah Ave			
City: Albuquerque		State: NM	Zip: 87110
Phone: 505-255-5555		Email: maxtherepairguy@yahoo.com	
<b>Fee Total: \$214.20</b>			

## Completed Application Requirements:

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

**Approved for acceptance by:** SF **Date:** 8/3/22 **Hearing Date:** 09/20/22

ZONING OFFICIAL USE ONLY			
<b>Request for exception to IDO Section: 14-16-5-7(D)(3)(g) Table 5-7-2</b>			
<b>Description of request: REQUEST for a PERMIT – WALL - MAJOR in the front and street side yard.</b>			
<input type="checkbox"/> Ownership verified on AGIS <input type="checkbox"/> Proof of ownership included <input type="checkbox"/> Letter of authorization included			
Case history number(s) from AGIS:			
APO:	CPO#	HPO#	VPO#
Wall variances not allowed in low-density residential development in these 2 areas per 5-7(D)(3)(e):			
1) CPO 3 and 2) Monte Vista / College View Historic Dist. - Mapped Area			
2) CPO-8 states walls no more than 3 feet high, but may request a variance			
			2 <sup>nd</sup> check Initials _____

**5-7(C) WALL LOCATION**

- 5-7(C)(1) Walls may be constructed anywhere on a lot, including but not limited to any front, side, or rear setback area, unless otherwise prohibited by this IDO, by with Articles 14-1, 14-2, and 14-3 of ROA 1994 (Uniform Administrative Code and Technical Codes, Fire Code, and Uniform Housing Code), or by clear sight triangle requirements.
- 5-7(C)(2) Walls may be constructed without any setback from a property line, unless otherwise prohibited by this IDO, by Articles 14-1, 14-2, and 14-3 of ROA 1994 (Uniform Administrative Code and Technical Codes, Fire Code, and Uniform Housing Code), or by the DPM, including but not limited to, clear sight triangle requirements or standards for alignments and easements. Walls may not encroach into any public right-of-way without the prior written approval from the City Engineer and may not encroach onto any adjacent property without prior written approval of that property owner.

**5-7(D) MAXIMUM WALL HEIGHT**

**5-7(D)(1) Maximum Wall Height Table**

Unless specified otherwise in Subsection 14-16-5-7(D)(3) (Exceptions to Maximum Wall Height) or elsewhere in this IDO, walls shall comply with the height standards in Table 5-7-1.

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

- 5-7(D)(3)(e) For development in any NR-C or NR-BP zone district, the maximum height of walls in any front or street side yard is 6 feet if the wall is set back at least 5 feet from the property line and if view fencing that is at most 50 percent opaque to perpendicular view is used for portions of a wall above 3 feet.
- 5-7(D)(3)(f) Except where a Permit – Wall or Fence – Major is required pursuant to Subsection (g) below or where prohibited pursuant to Subsection (h) below, the Zoning Enforcement Officer (ZEO) may make an exception to the height standards in Table 5-7-1 for critical infrastructure facilities for security reasons due to specific site conditions or the nature of the land use or related materials and facilities on the site, pursuant to Subsection 14-16-6-5(F) (Permit – Wall or Fence – Minor).
- 5-7(D)(3)(g) For low-density residential development in or abutting a Residential zone district where wall height in any front or street side yard is restricted to 3 feet by Table 5-7-1, a request for a taller wall that meets the height and location standards in Table 5-7-2 shall require Permit – Wall or Fence – Major pursuant to Subsection 14-16-6-6(H), except where a taller wall is prohibited pursuant to Subsection (h) below.

**Table 5-7-2: Options for a Taller Front or Side Yard Wall<sup>[1]</sup>**

Wall Type and Location	Maximum Wall Height	Illustration
<b>View Fencing</b>		
View fencing at most 50 percent opaque may be added above 3 ft. to increase the total height of the wall as follows:		
<10 ft. from lot line abutting the street	5 ft.	0
≥10 ft. from lot line abutting the street	6 ft.	0
<b>Courtyard Walls</b>		
≥10 ft. from lot line abutting the street or edge of the sidewalk closest to the primary building, whichever is more restrictive	6 ft.	5-7(D)(3)(g)2
<b>Corner Lots</b>		
On a corner lot where the rear yard abuts the front yard of a residentially zoned lot, a taller wall enclosing the rear yard may be approved as follows:		
<10 ft. from the lot line abutting the street	5 ft.	5-7(D)(2)
[1] The maximum wall heights in this table require an approval pursuant to the standards in Subsections 14-16-5-7(D)(3)(g) and 14-16-6-6(H) (Permit – Wall or Fence – Major).		

**6-6(H) PERMIT – WALL OR FENCE – MAJOR**

All applicable provisions of Section 14-16-6-4 (General Procedures) apply unless specifically modified by the provisions of this Subsection 14-16-6(H).

**6-6(H)(1) Applicability**

This Subsection 14-16-6(H) applies to all applications for walls or fences that require a Permit – Wall or Fence – Major pursuant to Subsection 14-16-5-7(D)(3)(g) (Exceptions to Maximum Wall Height).

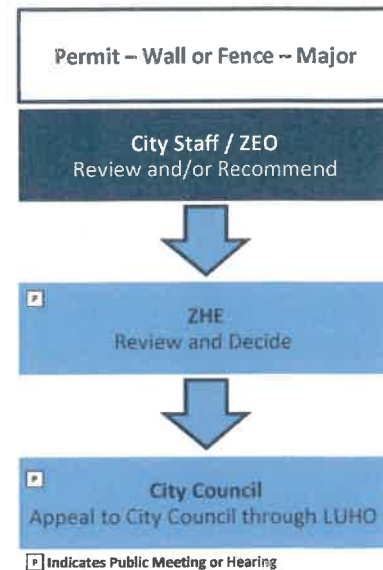
**6-6(H)(2) Procedure**

- 6-6(H)(2)(a) All applications in an HPO zone or on properties or in districts listed on the State Register of Cultural Properties or the National Register of Historic Places shall first be reviewed by the Historic Preservation Planner pursuant to Subsection 14-16-6-5(B) (Historic Certificate of Appropriateness – Minor), and the Historic Preservation Planner shall send a recommendation to the ZHE.
- 6-6(H)(2)(b) The City Planning Department staff shall review the application and forward a recommendation to the ZHE.
- 6-6(H)(2)(c) The ZHE shall conduct a public hearing on the application and make a written decision on the application.

**6-6(H)(3) Review and Decision Criteria**

An application for a Permit – Wall or Fence – Major for a wall in the front or street side yard of a lot with low-density residential development in or abutting any Residential zone district that meets the requirements in Subsection 14-16-5-7(D)(3)(g) (Exceptions to Maximum Wall Height) and Table 5-7-2 shall be approved if the following criteria are met:

- 6-6(H)(3)(a) The wall is proposed on a lot that meets any of the following criteria:
1. The lot is at least ½ acre.
  2. The lot fronts a street designated as a collector, arterial, or interstate highway.
  3. For a front yard wall taller than allowed in Table 5-7-1, at least 20 percent of the properties with low-density residential development with a front yard abutting the same street as the subject property and within 330 feet of the subject property along the length of the street the lot faces have a front yard wall or fence over 3 feet. This distance shall be measured along the street from each corner of the subject property's lot line, and the analysis shall include properties on both sides of







**Sanchez, Suzanna A.**

---

**From:** Sanchez, Suzanna A.  
**Sent:** Monday, July 18, 2022 1:17 PM  
**To:** 'giuseppemoscardelli@gmail.com'  
**Subject:** ZHE Information for 3519 Berkeley PI NW  
**Attachments:** STEPS TO APPLY FOR A SPECIAL EXCEPTION APRIL 2021.pdf; WALL PERMIT JUSTIFICATION APRIL 2021.pdf; Buffer Map.docx  
  
**Importance:** High

Dear Applicant,

Thank you for your request. Attached are forms and instructions to complete your application for a wall permit major. 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 forward me the items below at your earliest convenience.

- Justification letter
- Buffer Map & Photos
- Photo of property

If you have questions, please contact me.

Thank you,

*Suzie*



**SUZIE SANCHEZ-FLORES**  
zhe administrative assistant  
o 505.924.3894  
e [suzannasanchez@cabq.gov](mailto:suzannasanchez@cabq.gov)  
[cabq.gov/planning](http://cabq.gov/planning)





3519 Berkeley PI NE  
Front





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

Take a picture of the **front yard** fence/wall that is over 3 feet.

Write the address on the front.

Mark the address off on the map.

Print all and submit to the ZHE.

About 18 Properties = 4 Photos





300 Grand NE 87106





3507 Berkeley PL NE 87106





3511 Berkeley Pl NE 87106





3519 Berkeley PL  
NE side





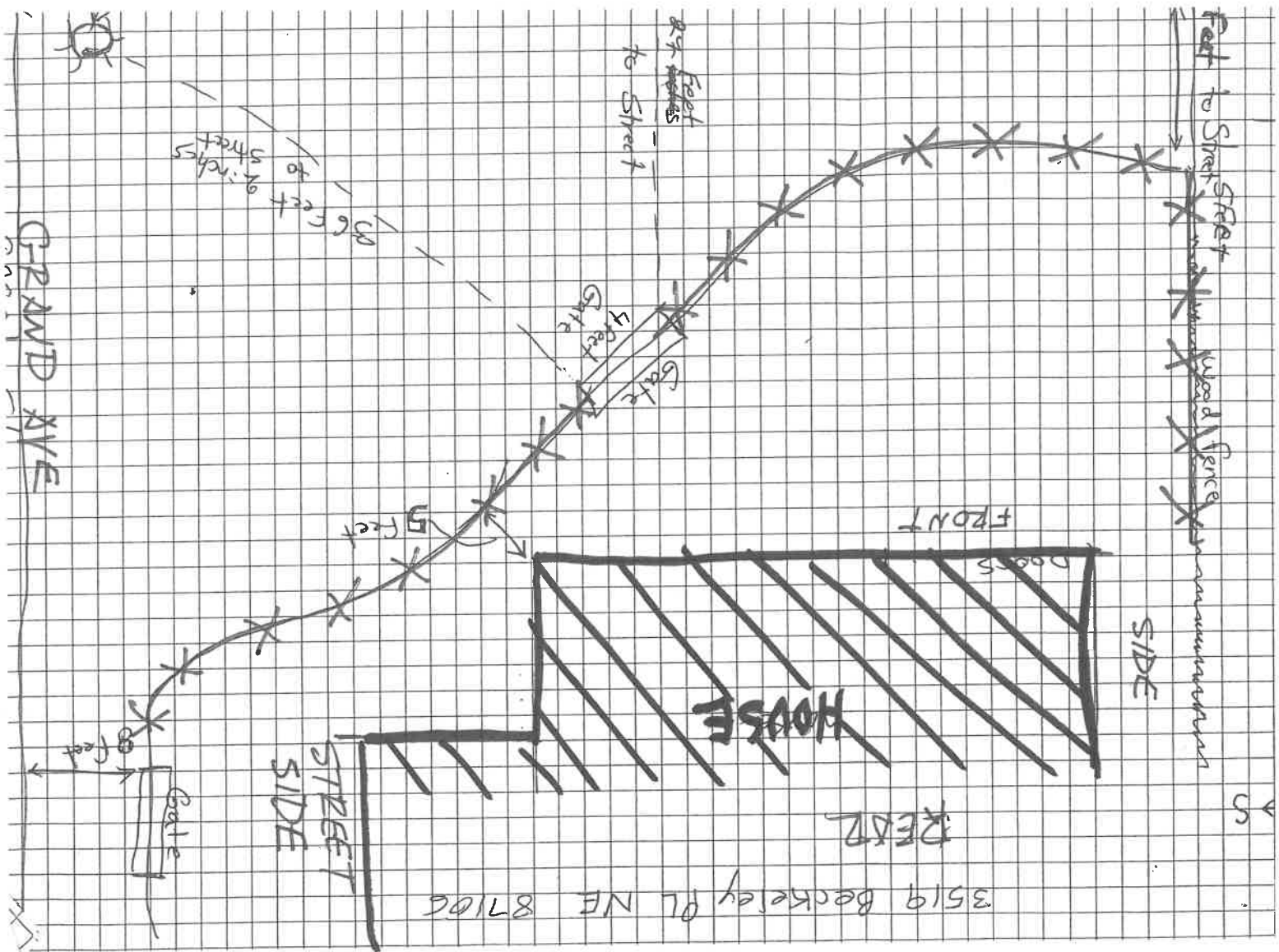
3601 Campus NE 87106





3611 Campus blvd NE 87106







## **PERMIT JUSTIFICATION LETTER – WALL OR FENCE**

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

RE: Request for Wall Permit of Wall Major  
at 3519 Berkeley PL NE, Albuquerque, NM 87106 (address of the subject property).

- (a) The wall is proposed on a lot that meets any of the following criteria:
1. The lot is at least ½ acre.
  2. The lot fronts a street designated as a collector, arterial, or interstate highway.
  3. For a front yard wall taller than allowed in Table 5-7-1, at least 20 percent of the properties with low-density residential development with a front yard abutting the same street as the subject property and within 330 feet of the subject property along the length of the street the lot faces have a front yard wall or fence over 3 feet. This distance shall be measured along the street from each corner of the subject property's lot line, and the analysis shall include properties on both sides of the street. (See figure below for an illustration of this measurement.)
  4. For a street side yard wall taller than allowed in Table 5-7-1, at least 20 percent of the properties with low-density residential development with a side yard abutting the same street as the subject property and within 330 feet of the subject property along the length of the street the lot faces have a street side yard wall or fence over 3 feet. This distance shall be measured along the street from each corner of the subject property's lot line, and the analysis shall include properties on both sides of the street. (See figure below for an illustration of this measurement.)



I MEET CRITERIA 3. IF 3 OR 4, YOU MUST INCLUDE PHOTOGRAPHS WITH ADDRESSES AS PROOF THAT THE 20% REQUIREMENT IS MET.

(b) The proposed wall would strengthen or reinforce the architectural character of the surrounding area **BECAUSE:**

Many of the homes in my neighborhood have tall stuccoed walls in the front with landscaping in front of them. My wall is in keeping with what has already been established. I will have the block wall stuccoed to match the neighbors walls, add solar lighting and do xeriscaping to the visible ground. This will be a vast improvement to a barren looking lot.

(c) The proposed wall would not be injurious to adjacent properties, the surrounding neighborhood, or the **BECAUSE:**

The street corner is clearly visible to foot and car traffic and the wall does not present an obstruction of any kind. I will keep it maintained so it is not a hazzard to anyone. I have lived here over 20 years and plan to age in place; the wall will provide a sense of security for me, so I can enjoy my outdoor space without coming in contact with the traffic caused by the church across the street which operates a school during the day as well as hosting many different groups in the evening.

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

1. The wall or fence shall not block the view of any portion of any window on the front façade of the primary building when viewed from 5 feet above ground level at the centerline of the street in front of the house. **PLEASE EXPLAIN:**

Due to Covid I have become a recent widower and now there is nobody home when I leave for work. There has become an increase in transient foot traffic and I've found people on my property when I am leaving for work and when asked to leave, I have been threatened and verbally assaulted by these people. I've had packages stolen from the front of my house and don't feel secure without the wall. The wall provides security but the window and porch in front are in view and there is also a metal gate which provides a clear view of the front. The wall provides security for myself, my home and my pets in our outdoor space.

2. The design and materials proposed for the wall or fence shall reflect the architectural character of the surrounding area. **PLEASE EXPLAIN:**

The neighbors already have stuccoed walls in front of their property. My wall is constructed from 8x16 inch block with rebar that goes down into the foundation. The wall is not straight but has an artistic wavy pattern to it. I will have the block wall stuccoed in a pale earth tone. I will use native plantings and xeriscaping similar to what other neighbors currently have in front of their tall walls. I will add solar lighting to improve visibility and security at night. It will look very nice.

Signature \_\_\_\_\_ Giuseppe Moscardelli

Date 7/19/2022

# CITY OF ALBUQUERQUE

## CODE ENFORCEMENT

Plaza Del Sol Building, Suite 500

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

Albuquerque, NM 87102

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



Jun 22, 2022

### NOTICE OF VIOLATION

**DODD CALVIN LEE & MOSCARDELLI GIUSEPPE RAFFAELLO**

**3519 BERKELEY PL NE**

**ALBUQUERQUE, NM 87106**

Dear Property Owner:

A recent inspection was made of your property located at **3519 BERKELEY PL NE, Albuquerque, NM**. This inspection revealed one or more violations of the Integrated Development Ordinance and/or the Albuquerque Weed and Anti-Litter Ordinance.

This office would like to solicit your cooperation and community spirit in correcting the violation(s) on or before the listed "Resolve By Date" on this notice. At which time a re-inspection of the property will be conducted. Page two (or reverse) of this notice describes the violation(s) found on your property and corrective actions(s) needed to remedy the violation(s).

This notice, when in regard to the Albuquerque Weed and Anti-Litter Ordinance, is issued pursuant to Section 9-8-25 ROA 1994 and Chapter 14 Article 16 ROA 1994 requiring notification of property owner for compliance.

If the violation(s) cannot be remedied by the corrective action date, please contact me directly for consideration of an extension. Do not hesitate to contact me if you have questions concerning this matter. When contacting me please reference Notice of Violation File Number **CF-2022-021267** and address. Because I am a field inspector, the best time to reach me is before 9:00 a.m. or after 3:30 p.m. Monday-Friday.

Thank you for your cooperation on this matter.

Sincerely,

Miguel Martinez

Code Enforcement Specialist

(505) 252-1460

File Number: CF-2022-021267

Job Number: 160848469-001

Initial Print Date: Jun 22, 2022

Page 1 of 2

SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the City Zoning Code or Subdivision Ordinance are responsible for the posting and maintaining of one or more signs on the property which the application describes. Vacations of public rights-of-way (if the way has been in use) also require signs. Waterproof signs are provided at the time of application. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign.

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to public hearing. Failure to maintain the signs during this entire period may be cause for deferral or denial of the application. Replacement signs for those lost or damaged are available from the Development Services Front Counter at a charge of \$3.75 each.

1. LOCATION
- A. The sign shall be conspicuously located. It shall be located within twenty feet of the public sidewalk (or edge of public street). Staff may indicate a specific location.

B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be at least two feet from the ground.

C. No barrier shall prevent a person from coming within five feet of the sign to read it.
2. NUMBER
- A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.

B. If the land does not abut a public street, then, in addition to a sign placed on the property, a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.
3. PHYSICAL POSTING
- A. A heavy stake with two crossbars or a full plywood backing works best to keep the sign in place, especially during high winds.

B. Large headed nails or staples are best for attaching signs to a post or backing; the sign tears out less easily.
4. TIME
- Signs must be posted from September 2, 2022 To October 20, 2022
5. REMOVAL
- A. The sign is not to be removed before the initial hearing on the request.

B. The sign should be removed within five (5) days after the initial hearing.

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

Giuseppe Maccardelli  
(Applicant or Agent)

8/3/2022  
(Date)

I issued \_\_\_\_\_ signs for this application, 08/02/22, Suzie Flores  
(Date) (Staff Member)

PROJECT NUMBER: VA-2022-\_\_\_\_\_



# CITY OF ALBUQUERQUE INVOICE

GIUSEPPE MOSCARDELLI

3519 BERKELEY PL NE

Reference NO: VA-2022-00206

Customer NO: CU-163246220

Date	Description	Amount
8/01/22	2% Technology Fee	\$4.20
8/01/22	Application Fee	\$100.00
8/01/22	Facilitated Meeting Fee	\$50.00
8/01/22	Posted Sign Fee	\$10.00
8/01/22	Published Notice Fee	\$50.00

Due Date: **8/01/22**

Total due for this invoice:

**\$214.20**

Options to pay your Invoice:

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

PLEASE RETURN THE BOTTOM PORTION OF THIS INVOICE NOTICE WITH PAYMENT



City of Albuquerque  
PO Box 1293  
Albuquerque, NM 87103

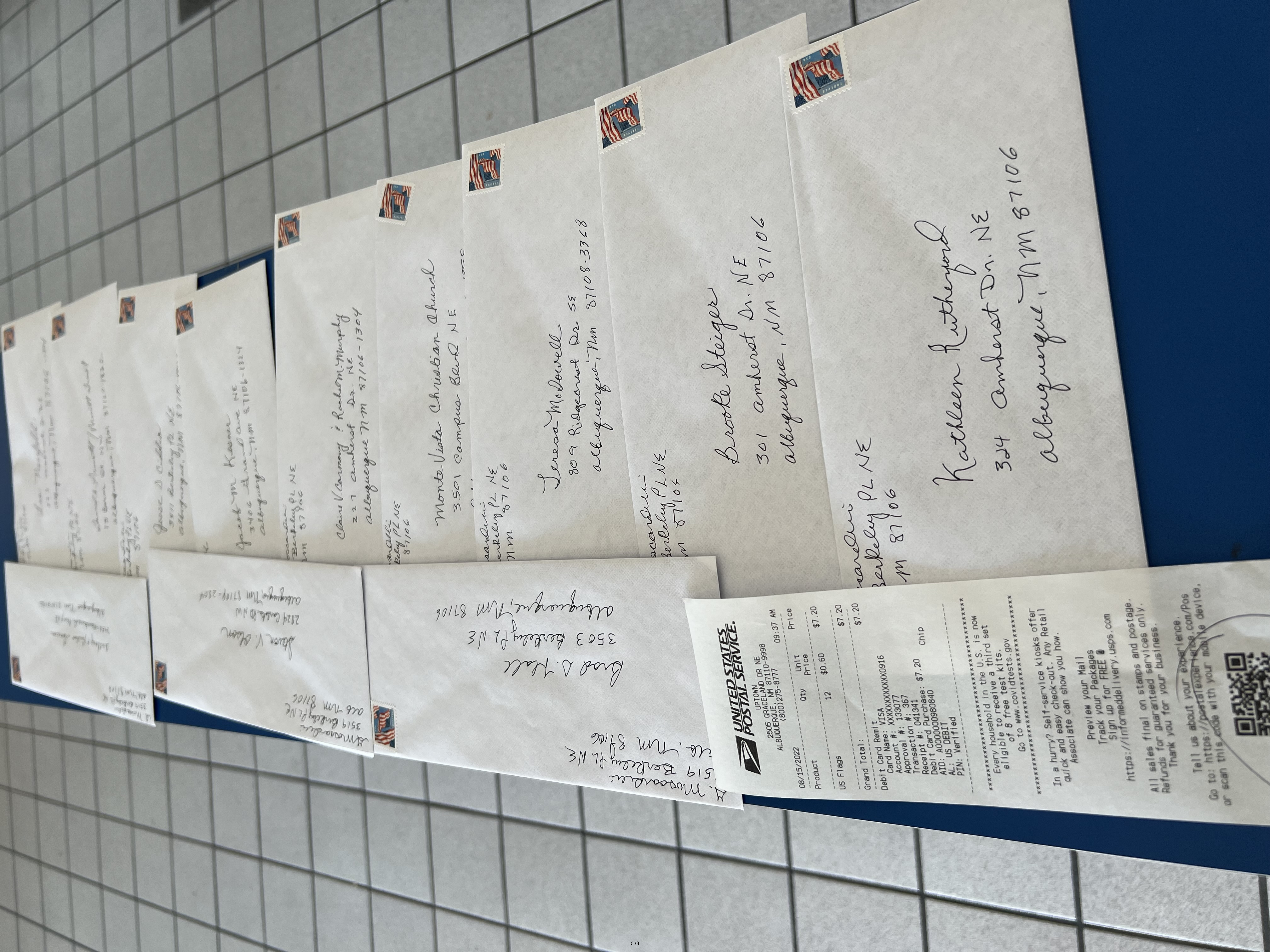
**Date:** 8/01/22  
**Amount Due:** **\$214.20**  
**Reference NO:** VA-2022-00206  
**Payment Code:** 130  
**Customer NO:** CU-163246220

GIUSEPPE MOSCARDELLI  
3519 BERKELEY PL NE  
ALBUQUERQUE, NM 87106



130 0000VA20220020600102546716324620600000000000002142CU163246220





Donna Murphy  
227 Amberst Dr. NE  
Albuquerque, NM 87106-1304

Donna Murphy  
227 Amberst Dr. NE  
Albuquerque, NM 87106-1304

Donna Murphy  
227 Amberst Dr. NE  
Albuquerque, NM 87106-1304

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Albuquerque, NM 87106-1304

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Albuquerque, NM 87106-1304

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Albuquerque, NM 87106-1304

Donna Murphy  
227 Amberst Dr. NE  
Albuquerque, NM 87106-1304

Donna Murphy  
227 Amberst Dr. NE  
Albuquerque, NM 87106-1304



UPTOWN  
2505 GRACELAND DR NE  
ALBUQUERQUE, NM 87110-9998  
(800) 275-8777

09:37 AM

Product	Qty	Unit Price	Price
US Flags	12	\$0.60	\$7.20

Grand Total:

Debit Card Remit  
Card Name: VISA  
Account #: XXXXXXXXXX0916  
Approval #: 133077  
Transaction #: 041341  
Receipt #: Purchase: \$7.20 Chip  
Debit Card Purchase:  
AID: A000000980840  
AL: US DEBIT  
PIN: Verified

\*\*\*\*\*  
Every household in the U.S. is now  
eligible to receive a third set  
of 8 free test kits.  
Go to [www.covidtests.gov](https://www.covidtests.gov)  
\*\*\*\*\*

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

Preview your Mail  
Track your Packages  
Sign up for FREE  
Associate can show you how.

<https://informedelivery.usps.com>

All sales final on stamps and postage.  
Refunds for guaranteed services only.

Thank you for your business.

Tell us about your experience.  
Go to: <https://postalexperience.com/pos>  
or scan this code with your mobile device.





City of Albuquerque ZHE – September 20, 2022

Agenda Item #9

VA-2022-00206

PR-2022-007414

**Giuseppe Moscardelli requests a permit wall major in the front and street side yard for Lot 13, Block 28, Monte Vista Addn, located at 3519 Berkeley PL NE, zoned R-1B [Section 14-16-5-7(D)(3)(g)]**

**Ownership:** Owner: MOSCARDELLI GIUSEPPE RAFFAELLO

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

**Allowable Use:** n/a

**Applicable Comp Plan Designation(s):** Area of Consistency; MS Corridor; PT Corridor

**Applicable Overlay Zones:** None listed

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

**Applicable Dimensional/Development Standards:**

5-7(D)(3)(g) For low-density residential development in or abutting a Residential zone district where wall height in any front or street side yard is restricted to 3 feet by Table 5-7-1, a request for a taller wall that meets the height and location standards in Table 5-7-2 shall require Permit – Wall or Fence – Major pursuant to Subsection 14-16-6-6(H), except where a taller wall is prohibited pursuant to Subsection (h) below.

Table 5-7-2: Options for a Taller Front or Side Yard Wall <sup>(1)</sup>		
Wall Type and Location	Maximum Wall Height	Illustration
<b>View Fencing</b>		
View fencing at most 50 percent opaque may be added above 3 ft. to increase the total height of the wall as follows:		
<10 ft. from lot line abutting the street	5 ft.	0
≥10 ft. from lot line abutting the street	6 ft.	0
<b>Courtyard Walls</b>		
≥10 ft. from lot line abutting the street or edge of the sidewalk closest to the primary building, whichever is more restrictive	6 ft.	5-7(D)(3)(g)2
<b>Corner Lots</b>		
On a corner lot where the rear yard abuts the front yard of a residentially zoned lot, a taller wall enclosing the rear yard may be approved as follows:		
<10 ft. from the lot line abutting the street	5 ft.	5-7(D)(2)

<sup>(1)</sup> The maximum wall heights in this table require an approval pursuant to the standards in Subsections 14-16-5-7(D)(3)(g) and 14-16-6-6(H) (Permit – Wall or Fence – Major).

**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

**September 7, 2022**

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

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

**Subject:** COMMENTS FOR THE ZHE HEARING OF September 20, 2022

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

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**VA-2022-00206**

**PR-2022-007414**

**Address:** 3519 Berkeley Pl NW

**Transportation Review:** No objections

After review of the provided application, Transportation has no objection REQUEST for a PERMIT –WALL - MAJOR in the front and street side yard. The wall location will not adversely impact the driveway or intersection sight distance.

**Sanchez, Suzanna A.**

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**From:** Greg Weirs <vgweirs@gmail.com>  
**Sent:** Friday, September 09, 2022 9:20 AM  
**To:** Sanchez, Suzanna A.  
**Subject:** VA-2022-00206 Project# PR-2022- 007414  
**Attachments:** 3519 BerkeleyPINE Deferral.pdf

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

Dear Ms. Sanchez,  
Please find attached a letter from the NHNA requesting a deferral of this case on the September 2022 ZHE agenda.

Greg Weirs,  
NHNA

--

Greg Weirs  
505 515 6334 (M)  
[vgweirs@gmail.com](mailto:vgweirs@gmail.com)

# Nob Hill Neighborhood Association, Inc.

PO Box 4875, Albuquerque, NM 87196

TheBoard@NobHill-NM.com

9 September 2022


Robert Lucero, Esq, Zoning Hearing Examiner  
By email to [suzannasanchez@cabq.gov](mailto:suzannasanchez@cabq.gov)

Re: VA-2022-00206 Project# PR-2022- 007414 Giuseppe Moscardelli requests a permit wall major in the front and street side yard for Lot 13, Block 28, Monte Vista Addn, located at 3519 Berkeley PL NE, zoned R-1B [Section 14-16-5-7(D)(3)(g)]

Dear Mr. Lucero,

At the NHNA regular Board meeting on September 7th, the Board of Directors voted 6-0 to request the hearing of this case be deferred until the applicant can meet with the NHNA and present their case. The applicant has not contacted the NHNA, and the wall has already been constructed. We note that as specified in IDO section 5-7(D)(3)(a)(3)(b), "No Permit - Wall or Fence - Major or Variance to this provision" is allowed at this location.

Respectfully yours,



Greg Weirs  
Chair, Urban Planning Committee  
Nob Hill Neighborhood Association

## Sanchez, Suzanna A.

---

**From:** GM <giuseppemoscardelli@gmail.com>  
**Sent:** Thursday, September 15, 2022 12:24 PM  
**To:** vgweirs@gmail.com  
**Cc:** Sanchez, Suzanna A.; TheBoard@nobhill-nm.com  
**Subject:** Permit requested for Wall Major  
**Attachments:** house drawing.jpg

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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

Dear Mr. Weirs & Nob Hill Neighborhood Association,

My name is Giuseppe Moscardelli and I am the owner of the property at 3519 Berkeley Pl NE, Albuquerque, NM 87106 across from the Monte Vista Church and have lived here for the last 22 years.

The reason I am writing is that I received a copy of a letter sent to the Zoning Hearing Examiner stating that I had not contacted the Neighborhood Association regarding the wall on my property which I would like to address and ask for your guidance in resolving this matter.

Initially I was not aware that I needed a permit for the wall, however, I received a notice from the city after the work was completed and have been attempting to follow the process to have my wall permitted.

I have been in contact with Ms. Suzanna Sanchez with planning/zoning who has been a tremendous resource and thought I was following all the necessary steps to acquire a permit for a wall major but did not know I had to contact the neighborhood association and for that, I do apologize.

Let me start by explaining that my spouse of 34 years died of Covid and previously took care of all matters concerning our home. All these years I have worked two full time jobs and now since Covid I work one job but usually 60 hours per week as a Nurse. I have never had to deal with matters such as I am presented with now. My spouse would have known the proper procedures but little by little, I am educating myself on these matters which seems like a crash course.

Here are my reasons for wanting this wall:

**Exposure:**

I live on a corner two blocks from Central Ave. and have more exposure to car and foot traffic than other homes in the middle of the block along with the increased traffic from the church across the street which has functions many days and evenings.

**Safety:**

I am not safe without the wall:

A thief attempted to steal our truck using a screwdriver in the ignition. I called 911 but nobody came for about two hours. The thief ran away when he could not get the truck started only after threatening us with the screwdriver.

My license plate has been stolen off my vehicles twice and my car broken into as well.

As I stated above, to keep as safe as possible I use home delivery but I've had hundreds of dollars of merchandise taken by a thief right from the front of my home in broad daylight before I could get home to get my packages. The police said even with a camera I would have to get a plate number so I was out the money for the delivered package that was stolen.

We built benches in the front for a retired couple who used to walk around the block. One day we noticed the wife sitting on the hot curb. She said her cardiologist told her to walk but she could only make it halfway around the block and needed to rest so we put in benches for the community to use while out walking. Recently I had two of the benches removed because while leaving for work I encountered what I believe to be a homeless man lying on the bench in front of my house. He watched me leave my home



and began questioning me if anyone else was home and refused to leave and became verbally abusive and threatening when I asked him to leave.

I'm all alone now and getting older and I know I could easily become a victim. That day I was fortunate enough to have a friend come watch my home and my pets so I could go to work late.

I also encountered people sleeping on my property, looking through my windows and using my garden hose to wash themselves off with.

I am small in stature and try to be kind to everyone and possibly this comes across to these people as weakness and being an easy target because with each and every one of these encounters I have been cussed at and threatened.

The fact of the matter is, even with the cameras I had put up I am not safe without the wall. Thievery and vandalism are worse than ever and being only two blocks off Central Ave on the corner I am more of a visible target and have been affected by crime.

More on safety:

My earliest memory is my family home burning down when I was a toddler and this has been a fear since then. Currently there are bars on my windows and I have safety concerns regarding them: if there was a fire could I get out with my pets if the door was blocked by flames? In my opinion the bars make it look like there's a problem with the neighborhood more than anything but are necessary at this time for safety from the outside. If permitted to keep the wall I would have these bars removed to improve the visual appearance of the house and the neighborhood.

I had some of the old inoperative metal framed windows replaced and have a few more to remove and replace, but I do have clear visibility from my windows of the street.

Regarding my pets:

People cut through the corner of my property all the time either while walking or I even had two men cross through on their motorcycles through my yard while I was outside doing yard work! Last week a man with his dog off leash cut through the corner and ran up to me in my yard. I enjoy being outside with my pets but only with a wall between them and the outside. My dogs are small and will bark at other dogs and for other owners to have them off leash is a safety concern for my pets.

Neighborhood appearance:

All the other houses on my block except for one, have tall walls in the front, as do many homes within a 330 foot area. My wall will complement what has already been established by my neighbors.

In the past my property has lacked curb appeal regardless of the literally thousands of dollars in plants we tried to keep alive but ultimately required too much water and would return to just a yard of bare dirt. If permitted to keep the wall my plans are to have it stuccoed and lighted during the night. I will keep it maintained and don't see how it could pose any safety concerns. I will also have the ground outside landscaped and have already planted 6 trees following the wall to help with the treescape. Also I will have a solid pavement driveway in front with a gradual sloping patio added to the front porch so I may age in place as I am preparing for retirement in the near future.

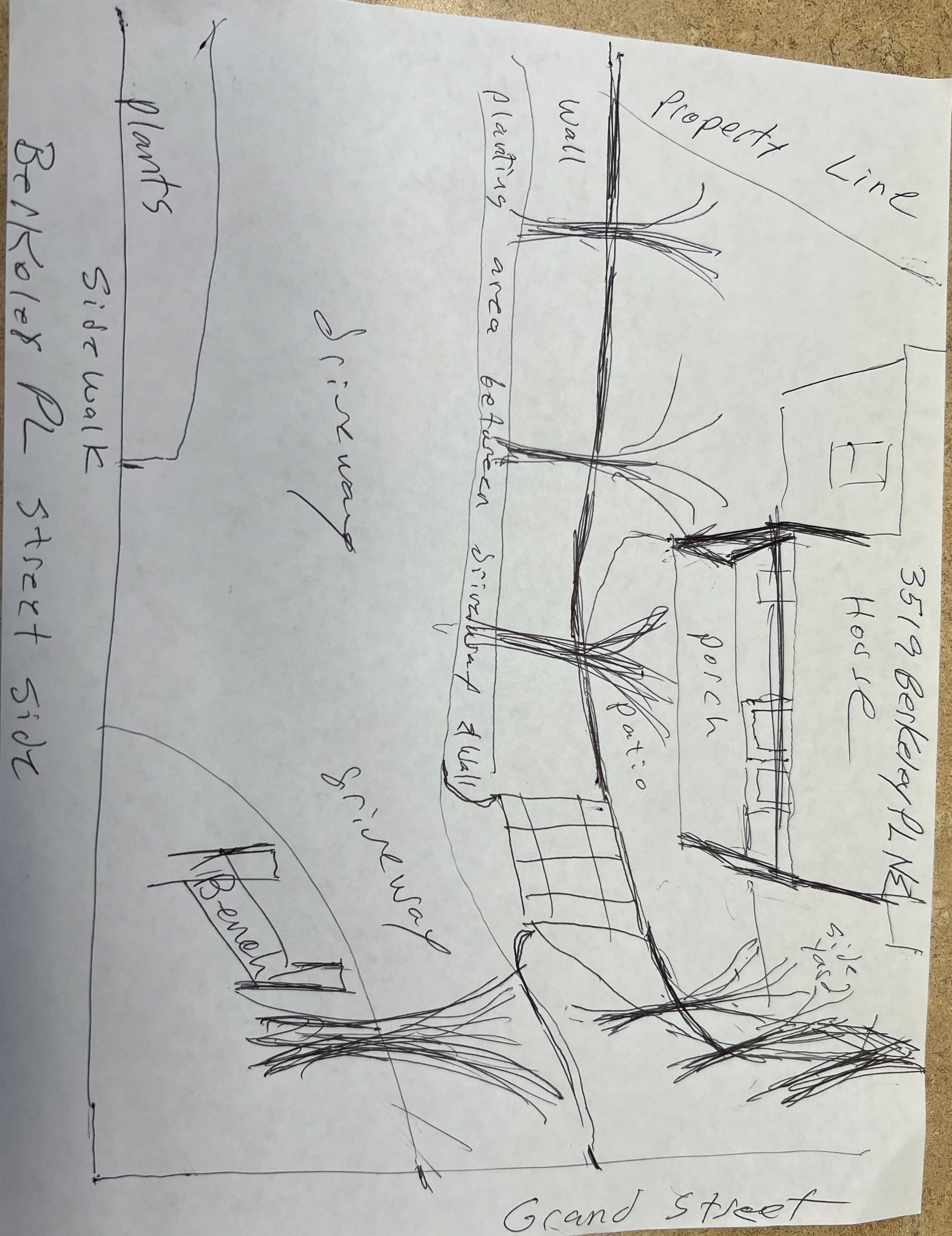
I do ask respectfully to be allowed to keep my wall and continue the work I am planning to ensure my own safety, comfort and improve the curb appeal as well.

I appreciate any guidance from the neighborhood association and look forward to becoming more of an active participant as I come closer to retirement.

Thank you,

Giuseppe Moscardelli









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

Giuseppe Moscardelli requests a permit wall major in the front and street side yard for Lot 13, Block 28, Monte Vista Addn, located at 3519 Berkeley PL NE, zoned R-1B [Section 14-16-5-7(D)(3)(g)]

Special Exception No:..... **VA-2022-00206**  
Project No: ..... **Project#2022-007414**  
Hearing Date: ..... 09-20-22  
Closing of Public Record: ..... 09-20-22  
Date of Decision: ..... 10-05-22

On the 20th day of September, 2022, property owner Giuseppe Moscardelli (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a permit wall major in the front and street side yard (“Application”) upon the real property located at 3519 Berkeley PL NE (“Subject Property”). Below are the ZHE’s finding of fact and decision:

**FINDINGS:**

1. Applicant is requesting a permit wall major in the front yard and street side yard.
2. The Subject Property is a lot with low-density residential development located in the Monte Vista and College View Historic District small area.
3. Applicant appeared at the September 20, 2022 ZHE hearing in this matter and submitted evidence and testimony on behalf of the Application.
4. Applicant testified as to the factors that motivated him to construct the wall for which he seeks the permit wall major in the Application, and the ZHE can certainly understand Applicant’s motivation.
5. Unfortunately, however, City Integrated Development Ordinance (IDO) Section 14-16-5-7(D)(3)(a)(3)(b) prohibits walls greater than 3 feet in in any front or street side yard in the Monte Vista and College View Historic District small area. This prohibition requires the ZHE to deny the Application, as the cited section of the IDO states that “[n]o Permit – Wall or Fence – Major or Variance to this provision is allowed” in the Monte Vista and College View Historic District small area.

**DECISION:**

DENIAL of a permit wall major in the front yard and street side yard.

**APPEAL:**

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

A handwritten signature in dark ink, appearing to read "Robert Lucero".

---

Robert Lucero, Esq.  
Zoning Hearing Examiner

cc:

ZHE File  
Zoning Enforcement  
Giuseppe Moscardelli, [giuseppemoscardelli@gmail.com](mailto:giuseppemoscardelli@gmail.com)  
Greg Weirs [vgweirs@gmail.com](mailto:vgweirs@gmail.com)



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

**MINUTES**

**September 20, 2022**

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

**CITY STAFF PRESENT:**

**Robert Lucero – Zoning Hearing Examiner**

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

**Suzie Sanchez – Hearing Monitor**

ZHE: Next on the agenda is item 9, VA-2022-00206, project number PR-2022-007414, Giuseppe Moscardelli requests a permit wall major in the front and street side yard for Lot 13, Block 28 Monte Vista Addn, located at 3519 Berkeley Place NE, which is zoned R-1B. Do we have the applicant with us?

G. Moscardelli: Yes, sir. I'm here.

ZHE: Good morning.

G. Moscardelli: Hi.

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

G. Moscardelli: Giuseppe Moscardelli, 3519 Berkeley Place NE, Albuquerque, NM 87106.

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

G. Moscardelli: Yes, I do.

ZHE: Thank you, sir. You know, one - - Just before we go any further I wanted to alert you to - - There's a section of the IDO that appears to prohibit any variance or, or taller wall in this particular neighborhood. It's Section 5-7-D(3)(a)(3)(b), were you aware of that or did you see that?

G. Moscardelli: I wasn't aware of any of this when I initially had the wall built. I've already had the wall built. Before this, I had a privacy fence, it was 6 feet tall in the front and on the side as well. I decided to have the wall built and remove the privacy fence and have it connected. I just wanted it to - - I thought it would look better, more in keeping with the appearance of what's already in the neighborhood. My - - Three out of five of my neighbors next door all have walls up with xeriscaping in the front. I was trying to keep it in line with what they have. I didn't know I needed a permit until I was contacted by the City. Since then, I've tried to take the steps that I was told I needed to take to become compliant. I didn't know that I had to meet with my neighborhood association until I was forwarded an email from them. I did contact them through email and I did informally meet with two of the members of the neighborhood association. They, they've explained to me about this IDO. They explained to me their reasoning for not wanting a 6-foot-tall wall up. I explained my rationale for requesting it, for safety and privacy. Right now, I live on a corner there's, the Monte Vista church is right across the street. They have things going on all week it seems like. I think it's some sort of a school during the day. They have a lot of evening activities. It does create a lot more traffic for me. Being on the corner, I'm also more exposed to everything else. I've had people in my yard. I've had people using my water hose to wash off and looking in my windows. And because, I'm right on the corner, I'm the first place you come to. This to me, it helps with my sense of security and safety. I had Covid and I prefer not to shop outside as much as I can get away with. My spouse died of Covid. I work in healthcare. I don't wanna come in contact with a lot of people still because Covid is still here and I don't wanna take the chance of contracting other people. You could become infected and not even know it for up to a week. Having a wall, it helps with package delivery. I had a package delivered one day. I got notification of it while I was at work and I asked one of my coworkers to cover for me while I went home and before I even made it home, the package was stolen. And, it was hundreds of dollars worth of stuff and I couldn't get it replaced and I couldn't get a refund or anything even though it had insurance. They said it was stolen from my property and it was



delivered. A friend of mine told me, he said "Look, you really should put up a little more of a wall". He said, "Look at your neighbors". He took me for a walk around the block. I've been here 22 years. I've worked 60 and 80 hour work weeks to pay for my home. Up until recently, everything went to making payments and that sort of stuff but we walked around the neighborhood and we saw other people have walls up. He said, "They don't have the problems because they have a wall". So, I went ahead with it at that point. I just request that I can keep my wall as it is. As I said, I met with the association, a couple of people informally. I do appreciate their time. I appreciate what they're doing in the neighborhood but for myself, I'd like to be able to keep my wall as it is and have the, have it stuccoed, have my driveway put in, in front of the wall, more xeriscaping done to the front. It would, it would only help the curb appeal. It would keep things looking just like my neighbor's homes next door rather than just being an open area that... I've tried growing lots of plants, nothing lives. I'm from Illinois, we could grow a lot of things there but here, it's a little bit different. I'm just asking that I be allowed to keep the wall as it is. That's really all I have to say, sir.

ZHE: Thank you, Mr. Moscardelli and thank you for your submittals as well. Let's see if there's any public comment and then if there is, you'll get the chance to respond. So again, for everybody in attendance today, this is agenda item 9 and it's a request for a permit wall major at 3519 Berkeley Place NE. Please raise your hand if you'd like to speak on that item. I see Greg Weirs with a hand raised. Are you there?

G. Weirs: I am.

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

G. Weirs: My name is Greg Weirs, my address is 328 Sierra Place NE, Albuquerque 87108.

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

G. Weirs: I do.

ZHE: Thank you, sir. Go ahead.

G. Weirs: So, I am on the Board of Directors of the Nob Hill Neighborhood Association. My comments are just my own. The reason for that is because we were not - - I believe the IDO process specifies that the applicant is supposed to meet with their neighborhood or at least request a meeting with their neighborhood association well in advance. The applicant didn't do that so, we are kind of on the back foot because we only found out about this about a week or two ago. We requested a deferral which, I assume has not been granted since we're here. And so, my comments are of my own because our neighborhood association has not had the chance to meet and discuss this matter. I was one of the two people from the neighborhood association that met with Mr. Moscardelli, it was a very cordial meeting. No issues there. I think we are sympathetic or I am sympathetic to all of the things that he has experienced. At the same time, I would oppose the application because as you noted, and we noted in our letter, that in our request for deferral that the IDO is clear, that an application for a wall permit major in this area is, it's simply not permitted. Following that, we, - - If that were to be ignored, or somehow granted a variance all the other conditions that deal with walls in front yard setbacks would also apply here and on the basis of those, we would not support the request. I understand that there are walls nearby this property however, those were either not built recently, maybe at least 15 years I would say because I've been involved in my neighborhood association for that long and they have had

this policy consistently since before the IDO in our sector plan or, it's also possible that those other walls are not permitted. I don't have any information on that but that is - - Maybe they are but, I just don't know. And so, it is, it remains our policy that walls in front yard setbacks are not helpful for our neighborhood. They - - There's a long history documented, decades of research on walls in front yards and in particular the idea of eyes on the street as a deterrent to crime. The Albuquerque Police Department, at least through our southeast area command regularly gives or they will have a consultation with property owners and they have a policy called Crime Prevention through Environmental Design and one of the key points of that is to have open front yards. And so, it is on the basis of that, that's one basis for our policy. A second one is, especially in this particular area which is in the Monte View and I'm sorry Monte Vista and College View Historic Districts, the historic character is not consistent with walls in front yards. Okay, I guess as I said, we have met with the applicant and I think we have said the same things if I recall correctly. And well, I mean if we're, - - If you're - - If we don't get a deferral, the difference would be if we had a deferral then, our board would have a chance to meet and discuss this and then you would have the neighborhood's opinion on it or the neighborhood association's opinion on it. But anyway, that's what I think they would say but I can't speak for them.

ZHE: Okay, understood. Thank you, sir. I appreciate your comments. Again, for everyone on the meeting today, this is agenda item 9. Please raise your hand if you'd like to speak on agenda item 9. I'm scrolling through the participant list and I don't see anyone with the hand raised. Again, please raise your hand if you'd like to speak on agenda item 9. Last call for agenda item 9, public comment. Okay, Mr. Moscardelli, are you there?

G. Moscardelli: Yes, sir.

ZHE: Thank you. You heard the public comment. Would you like to respond?

G. Moscardelli: I just, just to thank Mr. Weirs for his input. Again, a 3-foot wall, I understand what he's saying, but if my wall was only 3-foot-high, I wouldn't be able to share the space with my pets. They would jump over the wall. Other people in the neighborhood, they do walk their dogs frequently, we have a lot of people that walk. We have benches out for people to rest, two of them, I've had to take out because people were sleeping on them but I worry about the safety of my own pets. And, I want to share this space with my pets. My pets are my family now and a 3-foot wall, they would just, they'd just hop over it and I do request that I be allowed to keep my 6-foot wall. It's not even 6, it's under 6 just to be in line with what my neighbors have and I've been here 22 years now. I'd like to stay in the neighborhood but I need the house to be more age in place for myself as I get ready to retire and with that comes a feeling of security in my home not worrying about what's going on, on the outside. I do ask that I be allowed to keep the wall as is. Thank you. That's all I have to say.

ZHE: Thank you, sir. Well, I appreciate your submittals and comment from Mr. Weirs and the written submittals from the neighborhood association. I will take everything under consideration and issue my written decision in 15 days. Thank you, everybody.

G. Moscardelli: Thank you, Mr. Lucero.

ZHE: That concludes agenda item 9.

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

## NOTICE OF APPEAL

October 27, 2022

### TO WHOM IT MAY CONCERN:

The Planning Department received an appeal on October 26, 2022. You will receive a Notice of Hearing as to when the appeal will be heard by the **Land Use Hearing Officer**. If you have any questions regarding the appeal please contact Ernesto Alfredo Salas, Planning Senior Administrative Assistant at (505) 924-3370.

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

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

**CITY COUNCIL APPEAL NUMBER: AC-22-21**  
**PLANNING DEPARTMENT CASE FILE NUMBER:**  
**PR-2022-007414-VA-2022-00206-VA-2022-00308**

**APPLICANT: Giuseppe Moscardelli**  
**3519 Berkeley PL NE**  
**Albuquerque NM, 87106-1349**

cc: Mandi Hinojos, City Council, City county bldg. 9<sup>th</sup> floor  
Kevin Morrow/Legal Department, City Hall, 4<sup>th</sup> Floor-  
Giuseppe Moscardelli, [giuseppemoscardelli@gmail.com](mailto:giuseppemoscardelli@gmail.com)  
Greg Weirs [vgweirs@gmail.com](mailto:vgweirs@gmail.com)



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

TUESDAY, September 20, 2022 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/j/7044490999>

*Robert Lucero, Esq., Zoning Hearing Examiner*

*Lorena Patten-Quintana, ZHE Planner*

*Suzie Sanchez, ZHE Administrative Assistant*

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

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### **PLEASE ADDRESS ALL CORRESPONDENCE TO:**

**Robert Lucero, Esq., Zoning Hearing Examiner at [suzannasanchez@cabq.gov](mailto:suzannasanchez@cabq.gov)**

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

### **INTERPRETER NEEDED:**

- |    |               |          |  |
|----|---------------|----------|--|
| 1. | VA-2022-00208 | Project# | Candelaria Pacheco requests a conditional use to allow for a family home     |
|    |               | PR-2022- | daycare for Lot Parcel 2/16, Block 18, Four Hills Mobile Homes Park, located |
|    |               | 007419   | at 12309 Doe LA SE, zoned R-MC [Section 14-16-4-3(F)(7)]                     |



- |    |               |                                |   |
|----|---------------|--------------------------------|---|
| 2. | VA-2022-00209 | Project#<br>PR-2022-<br>007420 | Alma Ortiz requests a conditional use to allow for a family home daycare for Lot 25-P1, San Ygnacio Place, located at 8801 Tunnabora AVE SW, zoned R-1B [Section 14-16-4-3(F)(7)] |
|----|---------------|--------------------------------|---|

## NEW BUSINESS:

- |     |                                |                                |  |
|-----|--------------------------------|--------------------------------|--|
| 3.  | VA-2022-00218<br>(Stan Harada) | Project#<br>PR-2020-<br>004242 | Central Ave & Atrisco Pros Real Est LLC c/o SLK Global Solutions America (Agent, New Mexico Accounting Specialists) requests a conditional use to allow for nicotine retail in an MX-M zone and within 500 ft of a residential zone district for Lot A, Rancho Village Partners, located at 4201 Central AVE NW, zoned MX-M [Section 14-16-4-3(D)(40)(b)(2)] |
| 4.  | VA-2022-00157                  | Project#<br>PR-2021-<br>006322 | Joes Properties, LLC (Agent, Consensus Planning) requests a conditional use to allow artisan manufacturing in an MX-T zone for Lot 232A Old Town Pk, MRGCD Map 38, located at 522 Romero ST NW, zoned MX-T [Section 14-16-4-3(E)(1)]   |
| 5.  | VA-2022-00229                  | Project#<br>PR-2021-<br>006322 | Joes Properties, LLC (Agent, Consensus Planning) requests a conditional use to allow artisan manufacturing in an MX-T zone for Lot 231 Old Town Pk, MRGCD Map 38, located at 522 Romero ST NW, zoned MX-T [Section 14-16-4-3(E)(1)]  |
| 6.  | VA-2022-00203                  | Project#<br>PR-2022-<br>007331 | Refugio Najar & Silvia Lopez de Najar (Agent, Ubaldo Munoz at Jeebs & Zuzu, LLC) request a permit carport for Lot 3, Block 13, Hoffmantown Addn, located at 2904 Parsifal ST NE, zoned R-1B [Section 14-16-5-5(F)(2)(a)(3)(b)]   |
| 7.  | VA-2022-00228                  | Project#<br>PR-2022-<br>007282 | Nikola Babic and Sarah B. Steng requests a variance of 1.5% to the require 12.5% façade surface in transparent window and / or doors for Lot 1A, Block 3, Garcia Addn, located at 1200 11TH ST NW, zoned R-1A [Section 14-16-3-4(M)(5)(b)(4)]  |
| 8.  | VA-2022-00205                  | Project#<br>PR-2022-<br>007413 | Preeti Samraj & Lorna Samraj requests a conditional use to allow for an attached accessory dwelling unit without a kitchen for Lot 3, Block 20, Parkland Hills Addn, located at 706 Solano Dr. SE, zoned R-1D [Section 14-16-4-3(F)(5)(g)]   |
| 9.  | VA-2022-00206                  | Project#<br>PR-2022-<br>007414 | Giuseppe Moscardelli requests a permit wall major in the front and street side yard for Lot 13, Block 28, Monte Vista Addn, located at 3519 Berkeley PL NE, zoned R-1B [Section 14-16-5-7(D)(3)(g)]  |
| 10. | VA-2022-00207                  | Project#<br>PR-2022-<br>007415 | Michael and Gail Rodriguez requests a variance of 5 ft to the required 10 ft corner side setback for Lot 29-P1, Block 21, La Joya Del Norte, located at 7124 Calle Montana NE, zoned R-1C [Section 14-16-5-1(c)]   |

- |     |               |                            |  |
|-----|---------------|----------------------------|--|
| 11. | VA-2022-00210 | Project#<br>PR-2022-007421 | Manole Athanasios K (New Mexico Accounting Specialists) requests a conditional use to allow for nicotine retail in an MX-H zone for Lot 25, Block 1, Fairgrounds Addn, located at 118 San Pedro DR SE, zoned MX-H [Section 14-16-4-3(D)(40)(e)]  |
| 12. | VA-2022-00211 | Project#<br>PR-2022-007422 | Rabadi Sharif & Samia (New Mexico Accounting Specialists) requests a conditional use to allow nicotine as a primary use in an MX-M zone for Lot 5, Block 1, Hillboro Addn Business Replat, located at 210 Wyoming Blvd SE, zoned MX-M [Section 14-16-4-3(D)(40)(e)]                                    |
| 13. | VA-2022-00212 | Project#<br>PR-2022-007423 | Jeffrey and Jennifer Wilson request a variance of 3 ft to allow a 6 ft wall in the front yard for Lot 4, Block 4, Northern Addn, located at 1015 2 <sup>ND</sup> ST NW, zoned MX-M [Section 14-16-5-7(D)(1)]   |
| 14. | VA-2022-00213 | Project#<br>PR-2022-007423 | Jeffrey and Jennifer Wilson request a variance of 3 ft to allow for a 6 ft wall in the front yard for Lot 5, Block 4, Northern Addn, 1015 2ND ST NW, zoned MX-M [Section 14-16-5-7(D)(1)]  |
| 15. | VA-2022-00214 | Project#<br>PR-2022-007423 | Jeffrey and Jennifer Wilson request a variance of 3 ft to allow for a 6 ft wall in the front yard for Lot 3, Block 4, Northern Addn, located at 1019 2 <sup>ND</sup> ST NW, zoned MX-M [Section 14-16-5-7(D)(1)]   |
| 16. | VA-2022-00215 | Project#<br>PR-2022-007424 | Saddam Al Hayal (Agent, Peligro, LLC) requests a conditional use to allow for nicotine retail in an MX-M zone within 500 ft of a residential zone for Lot 7, Block 1, Thomas Addn, located at 9050 Montgomery BLVD NE, zoned MX-M [Section 14-16-4-3(D)(40)(e)]  |
| 17. | VA-2022-00216 | Project#<br>PR-2022-007425 | Spectrum ABQ LLC Attn Diane Palm (Agent, ABQ Land Use Consulting) requests a conditional use to conduct specific activities outside a fully enclosed portion of a building in the NR-LM zoned for Lot A, Rafar Investments, located at 8235 Washington ST NE, zoned NR-LM [Section 14-16-4-3(E)(4)(a)] |
| 18. | VA-2022-00217 | Project#<br>PR-2021-005948 | Akrattos LLC (Agent, New Mexico Accounting Specialists) requests a conditional use to allow for nicotine retail in an NR-BP zone within 500 ft of a residential zone district for Lot F7A, Atrisco Business Park Unit 3, located at 475 Coors BLVD NW, zoned NR-BP [Section 14-16-4-3(D)(40)(b)(2)]    |
| 19. | VA-2022-00219 | Project#<br>PR-2022-007427 | Sharif & Samia Rabadi (Agent, Cody Lewis) requests a conditional use to allow a cannabis retail establishment within 600 ft of another cannabis retail establishment for Lot A1A, Reay-Joseph Tract, located at 3500 Menaul BLVD NE, zoned MX-M [Section 14-16-4-3(D)(35)(c)]                          |
| 20. | VA-2022-00220 | Project#<br>PR-2022-007428 | ANG Investments- Angela Chavez (Agent, Marcos Cartigiano) requests a conditional use to allow for the retail of nicotine for Lot 12, Block 16A, Santilla Place, located at 301 San Pedro DR NE, zoned MX-M [Section 14-16-4-3(D)(40)]  |

- |     |               |                                |   |
|-----|---------------|--------------------------------|---|
| 21. | VA-2022-00221 | Project#<br>PR-2022-<br>007429 | 112 San Pedro LLC (Agent, Athanasios Manole) requests a conditional use for cannabis retail within 600 ft of another cannabis retail establishment for Lot 25, Block 1, Fairgrounds Addn, located at 112 San Pedro SE, zoned MX-H [Section 14-16-4-3(D)(35)(c)] |
| 22. | VA-2022-00222 | Project#<br>PR-2022-<br>007429 | 112 San Pedro LLC (Agent, Athanasios Manole) requests a conditional use for cannabis retail within 600 ft of another cannabis retail establishment Lot 26, Block 1, Fairgrounds Addn, located at 112 San Pedro SE, zoned MX-H [Section 14-16-4-3(D)(35)(c)]     |
| 23. | VA-2022-00223 | Project#<br>PR-2022-<br>007431 | Linda Schaffer requests a taller wall permit major for Lot 11, Block 14, Broadmoor Addn, located at 4240 Brockmont Ave NE, zoned R-1B [Section 14-16- 5-7(D)(3)(g)]   |
| 24. | VA-2022-00224 | Project#<br>PR-2022-<br>007431 | Linda Schaffer requests a variance of 5ft to the required 3 ft wall height in the front and street side yard for Lot 11, Block 14, Broadmoor Addn, located at 4240 Brockmont Ave NE, zoned R-1B [Section 14-16-5-7(D)(1)]                                       |
| 25. | VA-2022-00225 | Project#<br>PR-2022-<br>007431 | Linda Schaffer requests a permit carport for Lot 11, Block 14, Broadmoor Addn, located at 4240 Brockmont Ave NE, zoned R-1B [Section 14-16-5-5(F)(2)(a)(3)(b)]  |