

**TABLE OF CONTENTS**  
**AC-23-11,**  
**PR-2023-008334-VA-2023-00060-VA-2023-00131**

PAGE(S)

MEMO.....	1 - 3
NOTICE OF DECISION, APRIL 18, 2023.....	4 - 6
APPEAL APPLICATION / REASON FOR APPEAL .....	7- 29
MATERIAL SUBMITTED TO ZHE.....	30 - 75
ZHE MINUTES, APRIL 18, 2023.....	76 - 79
ADDITIONAL INFORMATION.....	80 - 83



Mayor Timothy M. Keller

# CITY OF ALBUQUERQUE

Albuquerque, New Mexico

## Planning Department

### INTER-OFFICE MEMORANDUM

July 5, 2023

**TO:** Pat Davis, President, City Council

**FROM:** Alan Varela, Planning Director   
Alan Varela (Jul 5, 2023 08:11 MDT)

**SUBJECT:** AC-23-11, PR-2023-008334–VA-2023-00060-VA-2023-00131:

**Diana Hunt, Alvarado Gardens Neighborhood Association, appeals the Zoning Hearing Examiner's decision to Approve a Variance of 13 feet to the 25-foot rear setback in an R-A zone for Lot 90B, Alvarado Gardens Unit 3, located at 2733 Candelaria RD NW, zoned R-A [Subsection 14-16-5-1(C)]**

### OVERVIEW

On the 18th day of April, 2023, property owners Emma & Roy Luna appeared before the Zoning Hearing Examiner ("ZHE") requesting a variance of 13 feet to the 25-foot rear setback in an R-A zone on the real property located at 2733 Candelaria Rd. NW.

The ZHE approved the request on May 03, 2023, based upon his determination that the requirements of IDO Subsection 14-16-6-6(O)(3)(a) were satisfied. The approval is elaborated in the official Notification of Decision, including 16 findings in support of the decision.

The Appellant timely filed an appeal of the ZHE's decision prior to the appeal deadline of May 18, 2023. Appellant is a representative of the Alvarado Gardens Neighborhood Association and has standing under IDO Subsection 14-16-6-4(V)(2)(a)5.

### 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**

The reasons for the appeal, excerpted from Appellant's letter, are listed in quotes below, followed by the ZHE's findings. Please see the Appellant's letter and submittal packet for additional details.

**"There are no special circumstances applicable to this single lot which do not apply generally to other property..."**

- *Finding # 11. Based on evidence submitted by or on behalf of Applicant, it appears that there are special circumstances applicable to the Subject Property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid, as required by Section 14-16-6-6(O)(3)(a)(1). Specifically, Applicant confirmed in oral testimony and submitted evidence that, the Subject Property's location and articulation as the only corner lot subdivided by the pertinent historic pre-IDO platting, create special circumstances. These special circumstances create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the Subject Property, because compliance with the minimum standards would not allow for the reasonably proposed use, which otherwise would be in compliance with the IDO.*

**"The neighborhood believes that granting of the Variance would in fact materially undermine the intent and purpose of the IDO."**

- *Finding # 14. Based on evidence submitted by or on behalf of Applicant, the variance will not materially undermine the intent and purpose of the IDO or applicable zone district as required by Section 14-16-6-6(O)(3)(a)(4). Specifically, Applicant confirmed in written submittals that the intent of IDO will still be met in that the subject site will be in harmony with existing uses and the proposed variance would merely add to the safety and usability of the site.*

**"The Variance requested is not the minimum necessary to avoid extraordinary hardship."**

- *Finding # 15. Based on evidence submitted by or on behalf of Applicant, the variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties as required by Section 14-16-6-6(O)(3)(a)(5). Specifically, Applicant submitted evidence that any smaller variance would be ineffective to provide for the usability of the site. Thus, the applicant is not requesting more than what is minimally necessary for a variance.*

/ Lorena Patten-Quintana /

Lorena Patten-Quintana, ZHE Planner






# AC-23-11 Memo - MRW

Final Audit Report

2023-07-05

Created:	2023-07-05
By:	Lucinda Montoya (lucindamontoya@cabq.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAKwNMyRU-6jjC8a1nS21bmWcvj85WsMFQ

## "AC-23-11 Memo - MRW" History

-  Document created by Lucinda Montoya (lucindamontoya@cabq.gov)  
2023-07-05 - 1:49:33 PM GMT
-  Document emailed to Alan Varela (avarela@cabq.gov) for signature  
2023-07-05 - 1:49:57 PM GMT
-  Email viewed by Alan Varela (avarela@cabq.gov)  
2023-07-05 - 2:11:11 PM GMT
-  Document e-signed by Alan Varela (avarela@cabq.gov)  
Signature Date: 2023-07-05 - 2:11:23 PM GMT - Time Source: server
-  Agreement completed.  
2023-07-05 - 2:11:23 PM GMT





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

Emma & Roy Luna request a variance of 13 feet to the 25 foot rear setback in an R-A zone for Lot 90B, Alvarado Gardens Unit 3, located at 2733 Candelaria RD NW, zoned R-A [Section 14-16-5-1(C)]

Special Exception No: ..... **VA-2023-00060**  
Project No: ..... **Project#2023-008334**  
Hearing Date: ..... 04-18-23  
Closing of Public Record: ..... 04-18-23  
Date of Decision: ..... 05-03-23

On the 18<sup>th</sup> day of April, 2023, property owner Emma & Roy Luna (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 13 feet to the 25-foot rear setback in an R-A zone (“Application”) upon the real property located at 2733 Candelaria RD NW (“Subject Property”). Below are the ZHE’s finding of fact and decision:

**FINDINGS:**

1. Applicant is requesting a variance of 13 feet to the 25-foot rear setback in an R-A zone.
2. The City of Albuquerque Integrated Development Ordinance, Section 14-16-6-6(O)(3)(a) (Variance-Review and Decision Criteria) reads: “... *an application for a Variance-ZHE shall be approved if it meets all of the following criteria:*
  - (1) *There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.*
  - (2) *The Variance will not be materially contrary to the public safety, health, or welfare.*
  - (3) *The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.*
  - (4) *The Variance will not materially undermine the intent and purpose of this IDO, the applicable zone district, or any applicable Overlay Zone.*
  - (5) *The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.*”
3. 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. 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 at the ZHE hearing on this matter and gave evidence in support of the Application.

6. Applicant established that the proper "Notice of Hearing" signage was posted for the required time period.
7. Applicant established that all property owners and neighborhood association entitled to notice were notified of the Application.
8. Applicant has authority to pursue this Application.
9. The City Traffic Engineer submitted a report stating no objection to the Application.
10. The subject property is currently zoned R-A.
11. Based on evidence submitted by or on behalf of Applicant, it appears that there are special circumstances applicable to the Subject Property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid, as required by Section 14-16-6-6(O)(3)(a)(1). Specifically, Applicant confirmed in oral testimony and submitted evidence that, the Subject Property's location and articulation as the only corner lot subdivided by the pertinent historic pre-IDO platting, create special circumstances. These special circumstances create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the Subject Property, because compliance with the minimum standards would not allow for the reasonably proposed use, which otherwise would be in compliance with the IDO.
12. Based on evidence submitted by or on behalf of Applicant, the variance will not be contrary to the public safety, health and welfare of the community as required by Section 14-16-6-6(O)(3)(a)(2). Specifically, evidence was submitted supporting that, if granted approval, the Applicant intends to construct the proposed project in a manner that is consistent with the IDO and the Development Process Manual (DPM). The Neighborhood Association raised concerns regarding the procedural posture of this variance, because this variance essentially would be superseded if the Applicant's planned future replat of the Subject Property is approved. However, the Applicant must still satisfy all variance criteria, as well as all other applicable IDO and other City criteria.
13. Based on evidence submitted by or on behalf of Applicant, the variance will not cause significant adverse material impacts on surrounding properties or infrastructure improvements in the vicinity as required by Section 14-16-6-6(O)(3)(a)(3). Specifically, the proposal is designed to be in harmony and consistency with what currently exists in the neighborhood, including rights of way and infrastructure.
14. Based on evidence submitted by or on behalf of Applicant, the variance will not materially undermine the intent and purpose of the IDO or applicable zone district as required by Section 14-16-6-6(O)(3)(a)(4). Specifically, Applicant confirmed in written submittals that the intent of IDO will still be met in that the subject site will be in harmony with existing uses and the proposed variance would merely add to the safety and useability of the site.
15. Based on evidence submitted by or on behalf of Applicant, the variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties as required by Section 14-16-6-6(O)(3)(a)(5). Specifically, Applicant submitted evidence that any smaller variance would be ineffective to provide for the useability of the site. Thus, the applicant is not requesting more than what is minimally necessary for a variance.
16. The requirements of IDO Section 14-16-6-6(O)(3)(a) are satisfied.

DECISION:

APPROVAL of a variance of 13 feet to the 25-foot rear setback in an R-A zone.

APPEAL:

If you wish to appeal this decision, you must do so by May 18, 2023 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  
Emma & Roy Luna, [eobsmileyface@yahoo.com](mailto:eobsmileyface@yahoo.com), [rl8651@yahoo.com](mailto:rl8651@yahoo.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: <u>Alvarado Gardens Neighborhood Association</u>		Phone: _____
Address: <u>(AGNA)</u>		Email: _____
City: <u>Albuquerque</u>	State: <u>NM</u>	Zip: <u>87107</u>
Professional/Agent (if any): <u>Diana Hunt President</u>		Phone: <u>505-363-5913</u>
Address: <u>2820 Candalaria Rd NW</u>		Email: <u>President@</u>
City: <u>Albuquerque</u>	State: <u>NM</u>	Zip: <u>alvaradoneighborhood</u>
Proprietary Interest in Site: <u>AGNA Board</u>		List all owners: <u>com</u>

### BRIEF DESCRIPTION OF REQUEST

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

Lot or Tract No.: <u>90B</u>	Block: <u>0</u>	Unit: <u>3</u>
Subdivision/Addition: <u>Alvarado Gardens</u>	MRGCD Map No.: _____	UPC Code: _____
Zone Atlas Page(s): <u>G-12-2</u>	Existing Zoning: <u>RA</u>	Proposed Zoning: _____
# of Existing Lots: <u>1</u>	# of Proposed Lots: <u>1</u>	Total Area of Site (acres): <u>0.25 AC.</u>

### LOCATION OF PROPERTY BY STREETS

Site Address/Street: 2733 Candalaria Rd NW Between: Rio Grande Blvd and: Trellis NW

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

Case being appealed VA-2023-00060; Proj. # 2023-008334

Signature: <u>Diana D Hunt</u>	Date: <u>5/5/23</u>
Printed Name: <u>Diana D Hunt</u>	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent

### FOR OFFICIAL USE ONLY

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



## FORM A: Appeals

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

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

\_\_\_ Interpreter Needed for Hearing? \_\_\_ if yes, indicate language: \_\_\_\_\_

☒ A Single PDF file of the complete application including all documents being submitted must be emailed to [PLNDRS@cabq.gov](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: 2023-008334

☒ Application number of the case being appealed, if applicable: VA-2023-00060

☒ Type of decision being appealed: Request for Variance

\_\_\_ 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) 14-16-6-6

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

(0)(3)(a)(1)

and

14-16-6-6(0)(3)  
(a)(4)

**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:

Date:

Printed Name:

☐ Applicant or ☐ Agent

FOR OFFICIAL USE ONLY

Case Numbers:

Project Number:

Staff Signature:

Date:



2733 Candelaria Rd NW:  
(Applicant is Emma Luna at 3610 Trellis Rd NW)

Variance request review of criteria and applicant justifications.

Summary of Request: The explanations of the dimensions and distances are a bit unclearly laid out, but we understand the meaning to be that an exemption to the rear yard setback (north side of Lot 90B) is requested. The IDO requires a 25' setback for a rear property line for an RA-zoned property. The assumption is that with a variance request of 13', the plot plan as drawn for the proposed construction leaves 12' between the structure and the rear property line.

Responses to Applicant's 02/24/23 Variance Justification Letter:

1. Special circumstances:
  - a. There are no special circumstances applicable to this single lot which do not apply generally to other property.....
  - b. There being no special circumstances, extraordinary hardship does not exist.
  - c. Similarly, there is no limitation on the reasonable use on the property or on economic return, and
  - d. No practical difficulties result from strict compliance with minimum standards.
2. Our concern as a neighborhood is that consistent adherence to Zone Code (IDO) is appropriate, and erosion of the standards can be detrimental to the patterns of land use laid out in the IDO.
3. Applicant response states that *"both Lot 90A and 90B will be within setback standards"*; this is not true: the layout - if Variance were granted - would crowd the property line and the separate property at Lot 90 A. Lot 90B would not have any compliant rear yard setback. At such time as the properties are owned by parties other than the applicant and her daughter this becomes a larger problem in the eyes of the IDO and likewise for subsequent applications for modifications.
4. The neighborhood believes that granting of the Variance would in fact materially undermine the intent and purpose of the IDO. Repeated and frequent disregard for the stipulated setback distances of the IDO will ultimately erode the meaning, intent and purpose of the IDO.
5. The Variance requested is not the minimum necessary to avoid extraordinary hardship. The hardship such as it is outlined involves the cost to formally move the property line. Given the overall cost of development of a single family residence, the replat required is a minor cost and an appropriate remedy. A variance is an unnecessary and inappropriate method for achieving approval of the site plan submitted (Note: the dimensions shown on the site plan showing the proposed residence are not legible).

It appears to the Neighborhood Association that the use of a Variance rather than a replat is simply for the convenience of the applicant, and sets an unwanted precedent for similar applications in the neighborhood. We urge denial of this application.

The Neighborhood Association does not request a meeting with the Applicant.



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

Emma & Roy Luna request a variance of 13 feet to the 25 foot rear setback in an R-A zone for Lot 90B, Alvarado Gardens Unit 3, located at 2733 Candelaria RD NW, zoned R-A [Section 14-16-5-1(C)]

Special Exception No: ..... **VA-2023-00060**  
Project No: ..... **Project#2023-008334**  
Hearing Date: ..... 04-18-23  
Closing of Public Record: ..... 04-18-23  
Date of Decision: ..... 05-03-23

On the 18<sup>th</sup> day of April, 2023, property owner Emma & Roy Luna (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 13 feet to the 25-foot rear setback in an R-A zone (“Application”) upon the real property located at 2733 Candelaria RD NW (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 13 feet to the 25-foot rear setback in an R-A zone.
2. The City of Albuquerque Integrated Development Ordinance, Section 14-16-6-6(O)(3)(a) (Variance-Review and Decision Criteria) reads: “... *an application for a Variance-ZHE shall be approved if it meets all of the following criteria:*
  - (1) *There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.*
  - (2) *The Variance will not be materially contrary to the public safety, health, or welfare.*
  - (3) *The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.*
  - (4) *The Variance will not materially undermine the intent and purpose of this IDO, the applicable zone district, or any applicable Overlay Zone.*
  - (5) *The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.”*
3. 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. 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 at the ZHE hearing on this matter and gave evidence in support of the Application.

6. Applicant established that the proper "Notice of Hearing" signage was posted for the required time period.
7. Applicant established that all property owners and neighborhood association entitled to notice were notified of the Application.
8. Applicant has authority to pursue this Application.
9. The City Traffic Engineer submitted a report stating no objection to the Application.
10. The subject property is currently zoned R-A.
11. Based on evidence submitted by or on behalf of Applicant, it appears that there are special circumstances applicable to the Subject Property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid, as required by Section 14-16-6-6(O)(3)(a)(1). Specifically, Applicant confirmed in oral testimony and submitted evidence that, the Subject Property's location and articulation as the only corner lot subdivided by the pertinent historic pre-IDO platting, create special circumstances. These special circumstances create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the Subject Property, because compliance with the minimum standards would not allow for the reasonably proposed use, which otherwise would be in compliance with the IDO.
12. Based on evidence submitted by or on behalf of Applicant, the variance will not be contrary to the public safety, health and welfare of the community as required by Section 14-16-6-6(O)(3)(a)(2). Specifically, evidence was submitted supporting that, if granted approval, the Applicant intends to construct the proposed project in a manner that is consistent with the IDO and the Development Process Manual (DPM). The Neighborhood Association raised concerns regarding the procedural posture of this variance, because this variance essentially would be superseded if the Applicant's planned future replat of the Subject Property is approved. However, the Applicant must still satisfy all variance criteria, as well as all other applicable IDO and other City criteria.
13. Based on evidence submitted by or on behalf of Applicant, the variance will not cause significant adverse material impacts on surrounding properties or infrastructure improvements in the vicinity as required by Section 14-16-6-6(O)(3)(a)(3). Specifically, the proposal is designed to be in harmony and consistency with what currently exists in the neighborhood, including rights of way and infrastructure.
14. Based on evidence submitted by or on behalf of Applicant, the variance will not materially undermine the intent and purpose of the IDO or applicable zone district as required by Section 14-16-6-6(O)(3)(a)(4). Specifically, Applicant confirmed in written submittals that the intent of IDO will still be met in that the subject site will be in harmony with existing uses and the proposed variance would merely add to the safety and useability of the site.
15. Based on evidence submitted by or on behalf of Applicant, the variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties as required by Section 14-16-6-6(O)(3)(a)(5). Specifically, Applicant submitted evidence that any smaller variance would be ineffective to provide for the useability of the site. Thus, the applicant is not requesting more than what is minimally necessary for a variance.
16. The requirements of IDO Section 14-16-6-6(O)(3)(a) are satisfied.

DECISION:



APPROVAL of a variance of 13 feet to the 25-foot rear setback in an R-A zone.

APPEAL:

If you wish to appeal this decision, you must do so by May 18, 2023 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  
Emma & Roy Luna, [eobsmileyface@yahoo.com](mailto:eobsmileyface@yahoo.com), [rl8651@yahoo.com](mailto:rl8651@yahoo.com)

REQUEST FOR NEIGHBORHOOD MEETING

Date: 2-22-2023

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 Variance to expand  
our lot 90 B set back yard 100.2 ft 113' which  
will reduce south lot A side yard from (summary of request).  
118.07' from 131.07'

Property owner Emma and Roy Luna  
Agent if applicable N/A  
Property Address 2733 Candelaria, Albuquerque, NM, 87107 (zip code).  
2733

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 Emma Luna  
Email eob.smileyface@yahoo.com  
Phone Number 505-504-4188

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

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

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

**Public Notice of a Proposed Project in the City of Albuquerque  
Administrative Review/Decision – Electronic Mail**

Date of Notice\*: 2-23-2023

This notice of an application 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)\*: Alvarado Garden

Name of NA Representative\*: \_\_\_\_\_

Email Address\* or Mailing Address\* of NA Representative<sup>1</sup>: \_\_\_\_\_

**Information Required by IDO Subsection 14-16-6-4(K)(1)(a)**

1. Subject Property Address\* 2733 Candelaria Rd NW ABQ NM 87107

Location Description \_\_\_\_\_

2. Property Owner\* Roy & Emma Luna

3. Agent/Applicant\* [if applicable] N/A

4. Application(s) Type\* per IDO Table 6-1-1

- ☐ Historic Certificate of Appropriateness – Minor
- ☐ Sign Permit
- ☐ Alternative Signage Plan
- ☐ Wall/Fence Permit
- ☐ Site Plan – Administrative<sup>2</sup>

Summary of project/request\*:

Variance to expand our Lot 90B setback yard 100.24 to 113'. Which will reduce south Lot A side yard 118.07' from 131.07'

5. This application will be decided by staff. Please contact [devhelp@cabq.gov](mailto:devhelp@cabq.gov) or call the Planning Department at 505-924-3860 to speak with staff.

<sup>1</sup> 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.

<sup>2</sup> Usually submitted and reviewed as part of building permit application, which can be searched by address here: <https://posse.cabq.gov/posse/pub/lms/Login.aspx>

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

6. Where more information about the project can be found\*<sup>3</sup>:

**Information Required for Email Notice by IDO Subsection 6-4(K)(1)(b):**

1. Zone Atlas Page(s)\*<sup>4</sup> G-12-2
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 have been requested for this project\*:

☐ Deviation(s) ☒ Variance(s)<sup>5</sup> ☐ Waiver(s)<sup>6</sup>

Explanation\*:

Variance to expand our Lot 90B  
setback 1002.24' to 113' which will  
reduce south LOT A sideyard from 118.07' from  
131.07'

4. Pre-submittal Neighborhood Meeting: Not Required
5. **For Site Plan – Administrative 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:**

From the IDO Zoning Map<sup>7</sup>: G-12-2

1. Area of Property [typically in acres] 0.2768
2. IDO Zone District R-A
3. Overlay Zone(s) [if applicable] \_\_\_\_\_
4. Center or Corridor Area [if applicable] \_\_\_\_\_

<sup>3</sup> Address (mailing or email), phone number, or website to be provided by the applicant

<sup>4</sup> Available online here: <http://data.cabq.gov/business/zoneatlas/>

<sup>5</sup> Separate notice is required for Variances.

<sup>6</sup> Separate notice is required for Waivers.

<sup>7</sup> Available here: <https://tinurl.com/idozoningmap>

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

Current Land Use(s) [vacant, if none]

R-A

**NOTE:** Pursuant to IDO Subsection 14-16-6-4(L), property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting within 15 days of the date of this notice. To request a facilitated meeting regarding this project, contact the Planning Department at devhelp@cabq.gov or 505-924-3955.

**Useful Links**

**Integrated Development Ordinance (IDO):**

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

**IDO Interactive Map**

<https://tinyurl.com/IDOzoningmap>

Cc: \_\_\_\_\_ [Other Neighborhood Associations, if any]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3610 Trellis Dr. NW  
Albuquerque, NM 87107

2/22/2023

To Whom It May Concern;

Re; Public Notice form to Alvarado Gardens

I am submitting a Letter describing, explaining, and justifying the request for a Variance. A copy of our joint 1991 survey of both adjacent properties is attached.

1. Our Plat #, Zone Atlas map locations, etc., is attached.
2. Originally, we bought our plot as one 109.96' x 231.31'. In 1991 we created 2 new tracts from existing lot.
  - Lot 90 A side is 109.96' x 131.07' front facing Trellis road Lot B front facing Candelaria road is 109.96' x 100.24' (side)
3. We want to get a variance to expand Lot B rear set back (backyard) 100.24 to 113' (side on Trellis DR NW) See attached survey. 2.) Which will reduce Lot A front/side yard from 131.07 to 118.07 on Trellis DR. NW. Written in red ink.

Thank you for your support.

Sincerely,



Emma Luna

505-504-4188

*ecbsmileface@yahoo.com*

## Alvarado Public Notice

---

From: emma luna (eobsmileface@yahoo.com)

To: medexter49@gmail.com; dianadaleo@gmail.com

Cc: eobsmilefac@yahoo.com

Date: Thursday, February 23, 2023, 10:54 AM MST

---

3610 Trellis Dr. NW  
Albuquerque, NM 87107

2/22/2023

To Whom It May Concern;

Re; Public Notice form to Alvarado Gardens

I am submitting a Letter describing, explaining, and justifying the request for a Variance. A copy of our joint 1991 survey of both adjacent properties is attached.

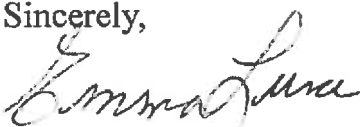
1. Our Plat #, Zone Atlas map locations, etc., is attached.
2. Originally, we bought our plot as one 109.96' x 231.31'. In 1991 we created 2 new tracts from existing lot.

· Lot 90 A side is 109.96' x 131.07' front facing Trellis road Lot B front facing Candelaria road is 109.96' x 100.24' (side)

3. We want to get a variance to expand Lot B rear set back (backyard) 100.24 to 113' (side on Trellis DR NW) See attached survey. 2.) Which will reduce Lot A front/side yard from 131.07 to 118.07 on Trellis DR. NW. Written in red ink.

Thank you for your support.

Sincerely,



Emma Luna

505-504-4188



3610 Trellis Dr.docx  
14.4kB



IMG\_3073 (1).jpg  
2.5MB

**Sanchez, Suzanna A.**

---

**From:** Carmona, Dalaina L.  
**Sent:** Wednesday, February 22, 2023 11:02 AM  
**To:** 'eobsmileyface@yahoo.com'  
**Cc:** Sanchez, Suzanna A.  
**Subject:** 2733 Candelaria RD NW Neighborhood Meeting Inquiry Sheet Submission  
**Attachments:** 2733 CANDELARIA RD NW\_Atlas Map\_G-12-Z.PDF

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**PLEASE NOTE:**

The City Council recently voted to update the Neighborhood Association Recognition Ordinance (NARO) and the Office of Neighborhood Coordination (ONC) is working to ensure all neighborhood associations and neighborhood coalitions are in compliance with the updated ordinance. There will likely be many updates and changes to association and coalition contact information over the next several months. With that in mind, please check with the ONC every two (2) weeks to ensure that the contact information you have for associations and coalitions is up to date.

Dear Applicant:

Please find the neighborhood contact information listed below. Please make certain to read the information further down in this e-mail as it will help answer other questions you may have.

Association Name	First Name	Last Name	Email	Address Line 1
Alvarado Gardens NA	Mike	Dexter	medexter49@gmail.com	3015 Calle San Ysidro NW
Alvarado Gardens NA	Diana	Hunt	president@alvaradoneighborhood.com	2820 Candelaria Road NW
North Valley Coalition	Peggy	Norton	peggynorton@yahoo.com	P.O. Box 70232
North Valley Coalition	Doyle	Kimbrough	newmexmba@aol.com	2327 Campbell Road NW

The ONC does not have any jurisdiction over any other aspect of your application beyond this neighborhood contact information. We can't answer questions about sign postings, pre-construction meetings, permit status, site plans, buffers, or project plans, so we encourage you to contact the Planning Department at: 505-924-3857 Option #1, e-mail: [devhelp@cabq.gov](mailto:devhelp@cabq.gov), or visit: <https://www.cabq.gov/planning/online-planning-permitting-applications> with those types of questions.

Please note the following:

- You will need to e-mail each of the listed contacts and let them know that you are applying for an approval from the Planning Department for your project.
- Please use this online link to find the required forms you will need to submit your permit application. <https://www.cabq.gov/planning/urban-design-development/public-notice>.



**From:** webmaster@cabq.gov <webmaster@cabq.gov>  
**Sent:** Wednesday, February 22, 2023 10:05 AM  
**To:** Office of Neighborhood Coordination <eobsmileyface@yahoo.com>  
**Cc:** Office of Neighborhood Coordination <onc@cabq.gov>  
**Subject:** Neighborhood Meeting Inquiry Sheet Submission

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

Neighborhood Meeting Inquiry For:

Zoning Hearing Examiner

If you selected "Other" in the question above, please describe what you are seeking a Neighborhood Meeting Inquiry for below:

Contact Name

Emma & Roy Luna

Telephone Number

5055044188

Email Address

[eobsmileyface@yahoo.com](mailto:eobsmileyface@yahoo.com)

Company Name

Company Address

City

State

ZIP

Legal description of the subject site for this project:

Lot 90B

Block 0

Alvarado Gardens Unit 3

Physical address of subject site:

2733 Candelaria RD NW

Subject site cross streets:

Lomas

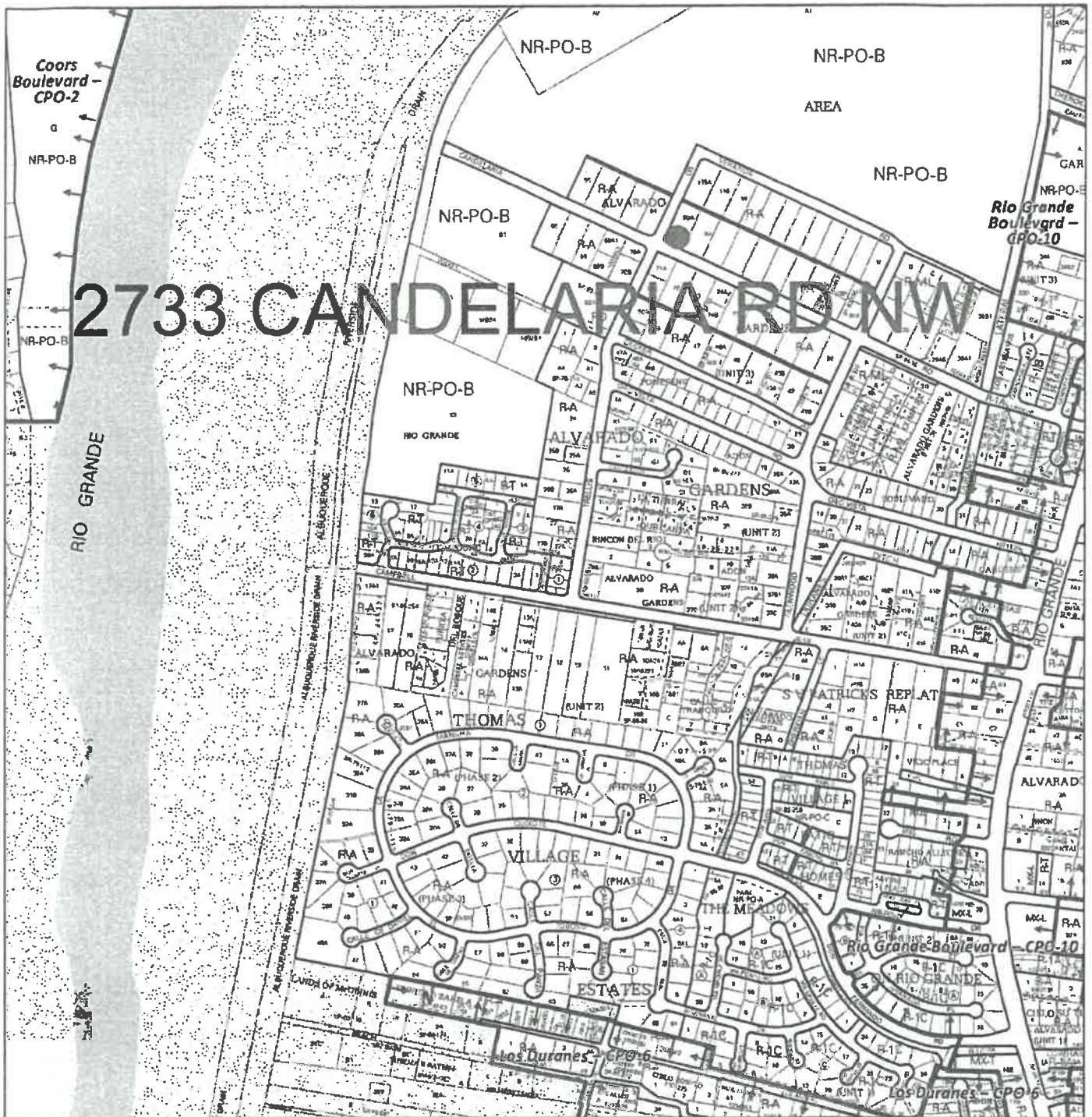
Other subject site identifiers:

This site is located on the following zone atlas page:

G12

Captcha

x

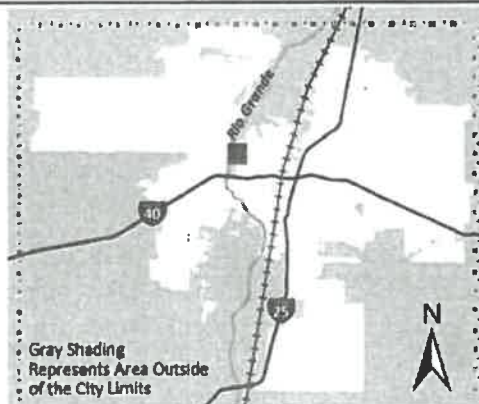


For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

## IDO Zone Atlas May 2018



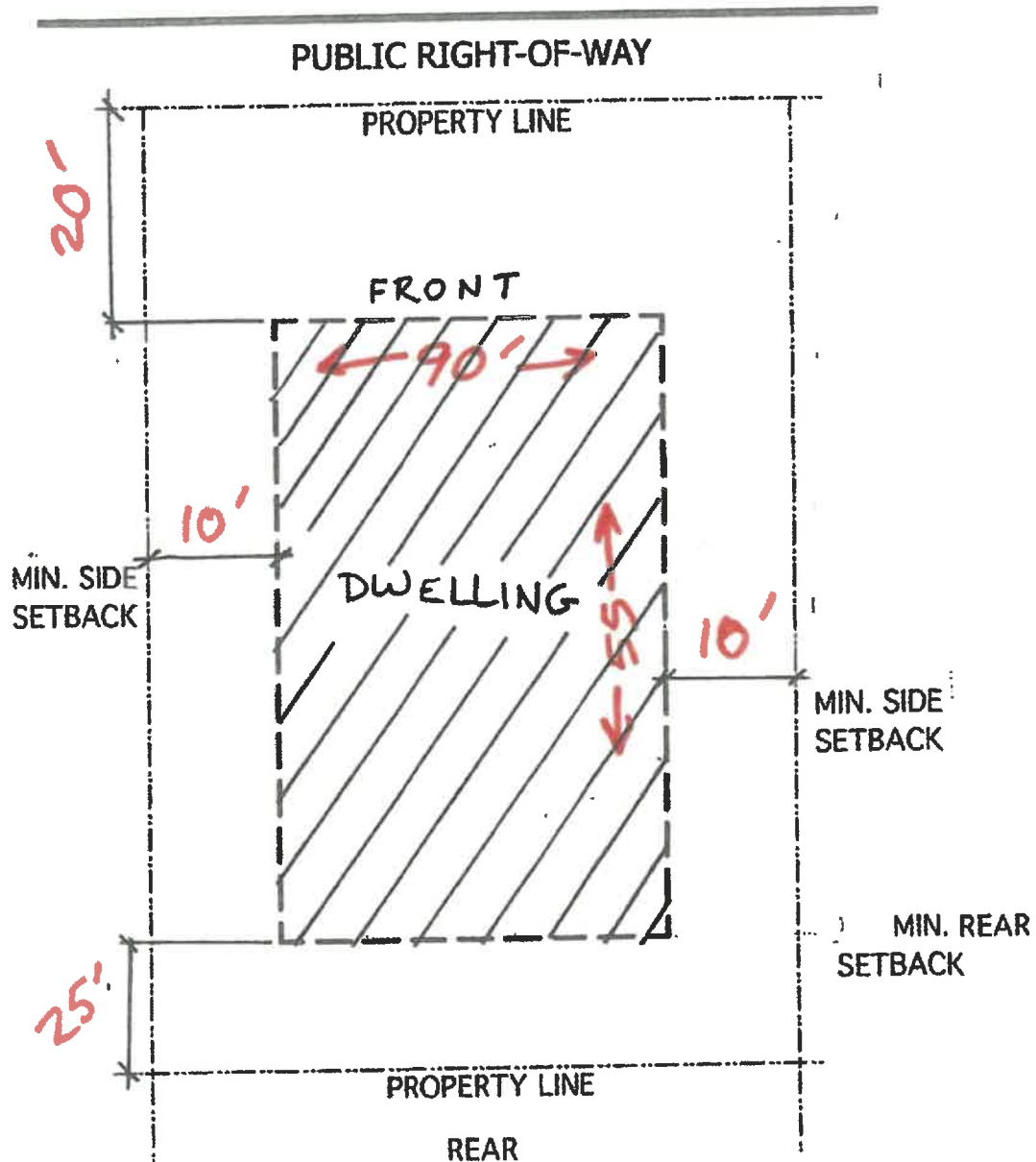
IDO Zoning information as of May 17, 2018  
The Zone Districts and Overlay Zones  
are established by the  
Integrated Development Ordinance (IDO).



Zone Atlas Page:  
**G-12-Z**

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

0 250 500 1,000 Feet



OVERLAYE ZONE

~~RESIDENTIAL~~ NONE

IDO ZONE: R-A

SET BACK STANDARDS

FRONT 20'

SIDE 10'

REAR 25'





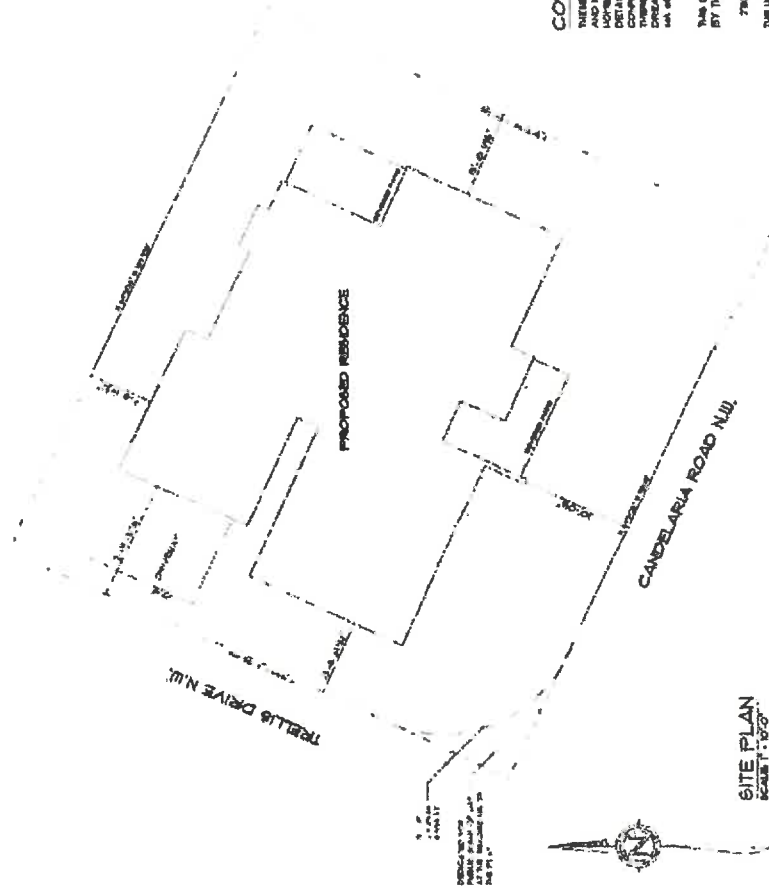
# DAVIS RESIDENCE

2733 CANDELARIA ROAD N.W.  
LOT 90 B

## INDEX OF DRAWINGS:

- 1: SITE PLAN
- 2: ARCHITECTURAL
- 3: ELEVATIONS
- 4: FOUNDATION
- 5: FOUNDATION DETAILS
- 6: DIMENSIONS
- 7: WALL SECTIONS
- 8: ROOF FRAMING
- 9: STRUCTURAL
- 10: ELECTRICAL

AREA CALCS:  
HEATED AREA: 2911  
PATIOB: 400  
GARAGE: 686  
TOTAL: 3997



**COPYRIGHT/DISCLAIMER**

THESE PLANS WERE DRAWN IN ACCORDANCE WITH ALL REG. AND UNREG. CODES AND ORDINANCES. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY DAMAGE OR INJURY TO PERSONS OR PROPERTY ARISING FROM THE USE OF THESE PLANS. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY DAMAGE OR INJURY TO PERSONS OR PROPERTY ARISING FROM THE USE OF THESE PLANS. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY DAMAGE OR INJURY TO PERSONS OR PROPERTY ARISING FROM THE USE OF THESE PLANS. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY DAMAGE OR INJURY TO PERSONS OR PROPERTY ARISING FROM THE USE OF THESE PLANS.

New house plan for  
Site plan and Varian  
after we demolish  
existing picture house

SUBDIVISION DATA  
 Case No. 04021-75  
 Zone Atlas Index No. 9-12-75  
 Gross Subdivision Acreage 0.5777  
 Total No. of Lots Created 2  
 Total Mileage of Full-Width Streets Created 0  
 Date of Survey April 1991

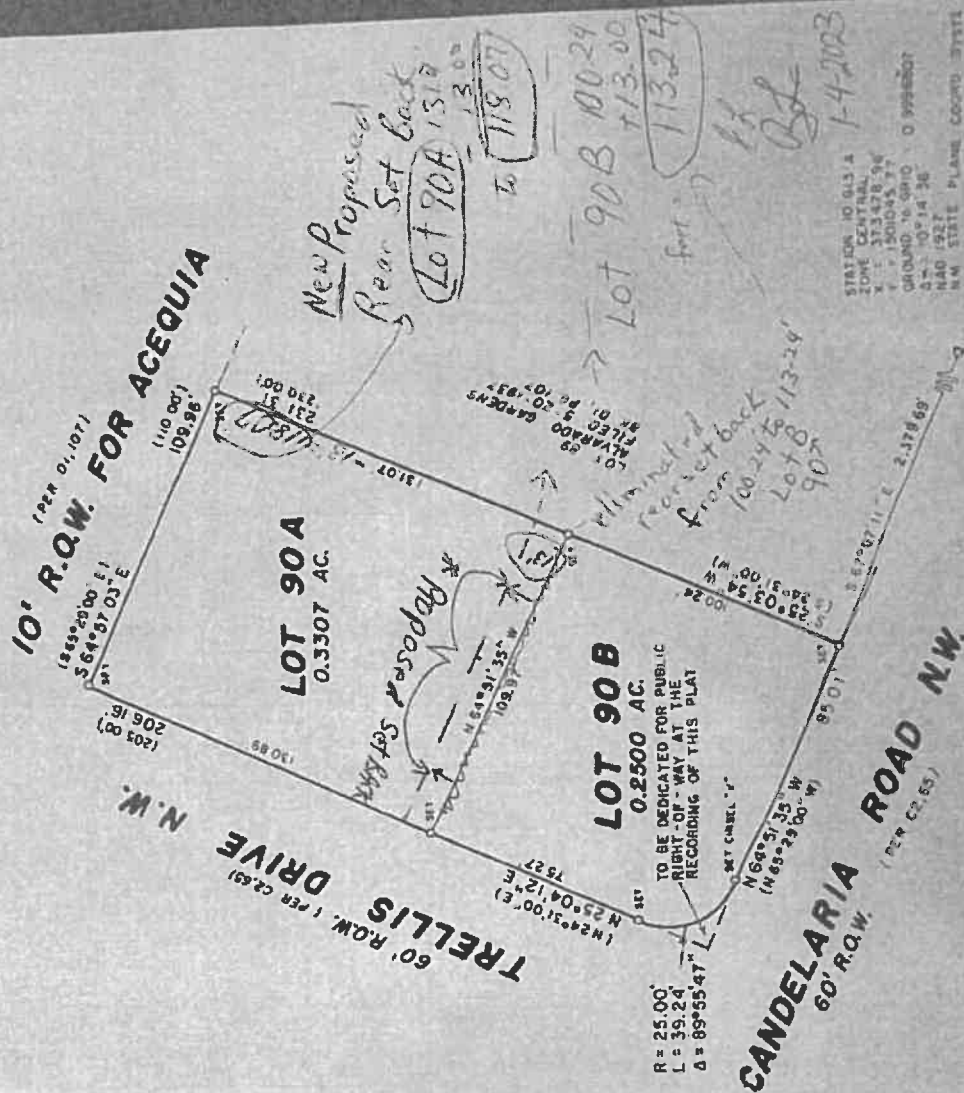
DISCLOSURE STATEMENT - The purpose of this plat is to create Two  
 (2) new tracts from one (1) existing lot.

GENERAL NOTES:

- 1) Bearings based upon N.M. State Plane Grid, Central Zone.
- 2) Bearings in ( ) parenthesis per plat of record.
- 3) All easements of record are shown.
- 4) All corners identified as "set" are set with 1/2" rebar/cap stamped L.S. 6446.

THIS IS TO CERTIFY THAT TAXES ARE CURRENT AND  
 PAID ON UPCS: 1-012-010-418-419, 10601

PROPERTY OWNER OF RECORD:  
Ray Leva  
 BERNALILLO COUNTY TREASURER'S OFFICE:  
Chris Dwyer 5.7.91



**VARIANCE JUSTIFICATION LETTER - GENERAL**

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

RE: Request for Variance of expanding our Lot B setback  
yard 100.24' to 113', which reduces LOT 90A side to 118.07'  
at \_\_\_\_\_ (address of the subject property). from 131.07'

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

R-A Zoning Variance for backyard setback  
boundary will meet LOT 9B zoning requirements

2) The Variance will not be materially contrary to the public safety, health, or welfare **BECAUSE:**

It only affects setback boundary  
from 100.24' to 113'

3) The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity **BECAUSE:**

Both Lot 90A & Lot B  
are will be within setback standards - Attached

4) The Variance will not materially undermine the intent and purpose of this IDO or the applicable zone district **BECAUSE:**

it meets R-A zoning

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

It cost approx \$3,000 to  
get a sketch plan property charge.  
I was advised by city planners to apply  
for a variance

Signature Emma Luna Date 2-24-2023

3610 Trellis Dr. NW  
Albuquerque, NM 87107

1/30/2023 -2/17/2023

To Whom It May Concern;

I am submitting a Letter describing, explaining, and justifying the request for a Variance. A copy of our joint 1991 survey of both adjacent properties is attached.

1. Our Plat #, Zone Atlas map locations, etc., is attached.
2. Originally, we bought our plot as one 109.96' x 231.31'. In 1991 we the lot into created 2 new tracts from existing lot.
  - Lot 90 A side is 109.96' x 131.07' front facing Trellis road Lot B front facing Candelaria road is 109.96' x 100.24' (side)
3. We want to get a variance to expand Lot B rear set back (backyard) 100.24 to 113' (side on Trellis DR NW) See attached survey. 2.) Which will reduce Lot A front/side yard from 131.07 to 118.07 on Trellis DR. NW. Written in red ink.

We applied for a Demolition Permit for our old 2733 Candelaria house On 2/26/2023 because to build a new home on 2733 Candelaria (new site plan attached). In order to do that we need to extend the 2733 Candelaria Expand Lot B rear set back (backyard) 100.24 to 113' to meet 13' to the 25' rear property line which was checked by City Planning who provided IDO Zone Atlas and received my email with the site plan of the new house plans.

On 1/30/2023 I applied for a Plat sketch application because I was told by a clerk at the east City Planning office that variance and sketch plan was the same thing and he sent us to apply for a sketch plan. I went back to the office 3 times for assistance and asked if sketch plat and variance was the same. The answer was always yes its' the same, until my 4<sup>th</sup> visit yesterday when the new clerk asked the sketch plan director to speak to me. I'm grateful for his explanation that sketch plan and variance weren't the same. He sent me to the original east office on 2/16/2023, where we had originally stopped to ask for a variance application on 1/30/23.

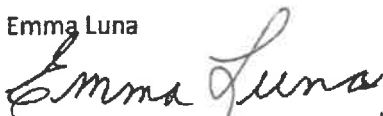
Thus, I included the Hydrology, Water Utility Authority, DFT code enforcement comments, email notes I received on 2/16/2023 for the sketch replat in case these are needed to complete our Variance Application and could help with potential time to avoid duplication and to help expedite our variance process?

We lost a month trying to find our way through the variance procedure and would be grateful for your support and help expediting our variance application because they told us we couldn't apply for our building permit until the variance was completed in 3-4 months with an additional 3 months for building permit? Our daughter (a nurse) and her new born need this new home we'd like to build on 2733 Candelaria

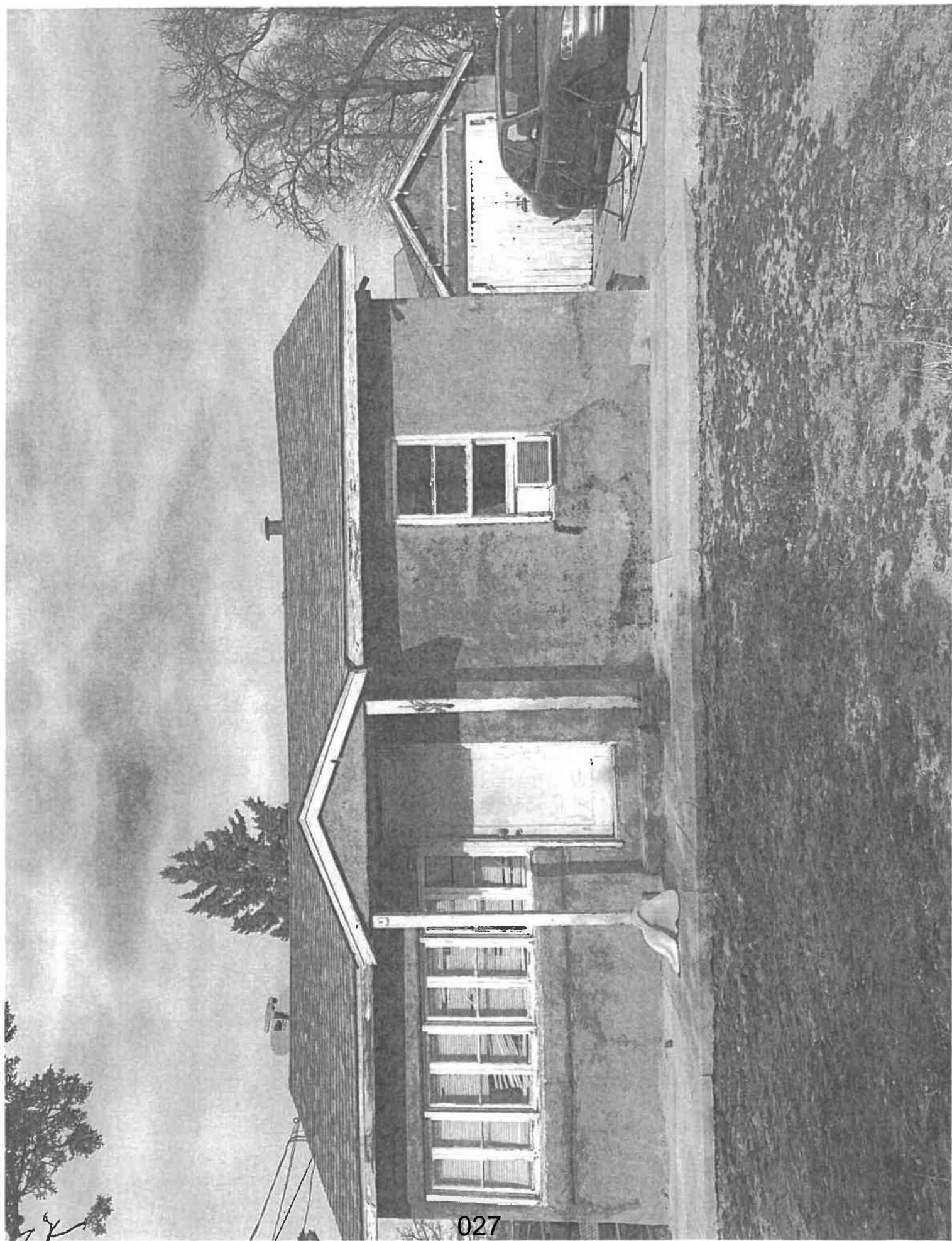
Thank you for your understanding and support.

Sincerely,

Emma Luna

  
505-504-4188







Appeal of Special Exception Decision No: VA-2023-00060  
Project #: 2023-008334  
Hearing Date: 04-18-23  
Date of Decision: 05-03-23

2733 Candelaria Rd NW:  
(Applicant is Emma Luna at 3610 Trellis Rd NW)

May 12, 2023

Our review of criteria and ZHE Findings:

We, the Alvarado Gardens Neighborhood Association (AGNA) are the local Neighborhood association within whose boundaries the subject property lies. AGNA timely submitted a letter of opposition to the proposed variance outlining multiple concerns on March 6, 2023 (Attachment A). AGNA did not receive formal notice of the April 18 hearing on the subject property. Upon review of the recording of the hearing, we note that the Hearing Officer referenced having received our letter, but he did not question the applicant on any of the concerns raised therein. AGNA respectfully and timely appeals from the Hearing Examiner's Decision, incorporating in general our position as stated in our March 6 correspondence that the five decision criteria for a variance have not been met, and in particular as follows:

- Finding 11: "...there are special circumstances applicable to the Subject Property that are not self imposed..."
  - rebuttal: The Applicant testified that *she* (and her co-owner(s)) subdivided/replatted the lot in 1991, and that they were told at the time that this could cause problems meeting codes, but that they weren't concerned at the time. Applicant's own testimony establishes that the complications caused by the now-problematic property line are clearly self-imposed.
  - rebuttal: The Applicant plans to demolish the existing structure, leaving a clear building lot, subject only to those reasonable restrictions contained in the IDO. The applicant hired a firm to design a house. A house can be designed within the setbacks. However, Applicant and her agent (the design firm) developed a design that does not fit within the required setbacks. This is a self-imposed circumstance.
  - rebuttal: Applicant further proposed to gain a replat (she testified that she had found a firm which could do so at a price she found reasonable) and based on that expectation she asked at the hearing for a "temporary variance", given that she could remedy her setback problem readily with a replat after all.
- Finding 11: "...there are special circumstances applicable to the Subject Property that...do not apply generally to other property in the same zone and vicinity...Specifically Applicant confirmed in oral testimony and submitted evidence that the Subject Property's Location and articulation as the only corner lot subdivided by the pertinent historic pre-IDO platting created special circumstances. These special circumstances create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use..."
  - rebuttal: Applicant testified that hers was the only lot of the four corners on the intersection that was subdivided. This testimony was inaccurate. Of the existing four corner lots, three are subdivided – all prior to enactment of the IDO. The applicant even

spoke of the rear portion of one of the lots being for sale. The property is therefore not unique nor does it have a unique hardship. The original replat (done by the Applicant) was a lawful replat and does not prevent use of the subject property.

- Finding 14: "...the variance will not undermine the intent and purpose of the IDO or applicable zone district...Specifically Applicant confirmed in written submittals that the...site will be in harmony with existing uses..."
  - rebuttal: The requested variance leaves the rear yard setback less than 13' in an R-A zone district in which usable open space and yards are a salient feature. That the rear yard would be approximately half the required size is not in harmony with existing uses and patterns.

The Alvarado Gardens Neighborhood Association respectfully asks that this variance not be granted. The applicant testified that she is in fact in the process of securing a replat of the subject property, which is a reasonable solution to a self-imposed dilemma and requires no compromise of the intent of the IDO via variance.

# REQUEST FOR SPECIAL EXCEPTION

☒ Variance ☐ Conditional Use ☐ Other

Interpreter: ☐ Yes ☐ No

VA# VA-2023-00060 PR# PR-2023-008334

<b>Date: 02-16-2023</b>		<b>Received By: DPorquis</b>	
<b>Address of Request: 2733 Candelaria RD NW</b>			
City: Albuquerque		State: NM	Zip: 87107
Lot: 90B	Block: 0	Zone: R-A	Map pg. G-12
Subdivision: Alvarado Gardens Unit 3		UPC# 101206033541910628	
<b>Property Owner(s): Emma &amp; Roy Luna</b>			
Mailing Address: <b>3610 Trellis DR NW</b>			
City: Albuquerque		State: NM	Zip: 87107
Phone: 505-504-4188		Email: <a href="mailto:eobsmileyface@yahoo.com">eobsmileyface@yahoo.com</a>	
<b>Agent: Home Owner</b>			
Mailing Address:			
City:		State:	Zip:
Phone:		Email:	
<b>Fee Total: \$214.20</b>			

## Completed Application Requirements:

- Copy of relevant IDO section
- Letter of authorization (if agent representation)
- 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
- Payment of fees

**Approved for acceptance by:** SF **Date:** 4/12/23 **Hearing Date:** 4-18-23

ZONING OFFICIAL USE ONLY			
<b>Request for exception to IDO Section: 14-16-5-1(C), Table 5-1-1</b>			
<b>Description of request: A Variance of 13 feet to the 25 feet rear setback in a R-A zone</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 <b>CMT</b>

## Part 14-16-5 Development Standards

### 5-1 DIMENSIONAL STANDARDS

#### 5-1(A) PURPOSE

The regulations in this Section 14-16-5-1 are established to regulate the size, scale, and location of development throughout the city to maintain appropriate scale and character for each zone district. In particular, this Section 14-16-5-1 provides contextual standards to ensure that any new low-density residential development reinforces the scale and character of residential areas in Areas of Consistency designated in the Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended.

#### 5-1(B) APPLICABILITY

- 5-1(B)(1) The standards of this Section 14-16-5-1 apply in any zone district except MX-FB, where development size, scale, location, and massing are regulated by Subsection 14-16-2-4(E) (Mixed-use – Form-based Zone District (MX-FB)).
- 5-1(B)(2) Part 14-16-3 (Overlay Zones) may contain maximum height, maximum or minimum setback, or other dimensional standards that differ from those in this Section 14-16-5-1. In the case of a conflict between the dimensional standards, Overlay zone standards shall prevail.
- 5-1(B)(3) Section 14-16-5-9 (Neighborhood Edges) may contain maximum height, maximum or minimum setback, or other dimensional standards that differ from those in this Section 14-16-5-1. In case of a conflict between the dimensional standards, Neighborhood Edge standards shall prevail.
- 5-1(B)(4) Notwithstanding any standard in this IDO, all development must meet relevant setback standards in Article 14-2 of ROA 1994 (Fire Code).

#### 5-1(C) RESIDENTIAL ZONE DISTRICTS

##### 5-1(C)(1) Residential Zone District Table

All development in any Residential zone district shall comply with the standards in Table 5-1-1, except under any of the following circumstances, in which case individual standards in the relevant sections prevail over conflicting standards in Table 5-1-1.

- 5-1(C)(1)(a) The project is a residential development of primary buildings in an Area of Consistency, in which case any relevant Contextual Residential Standards in Section 14-16-5-1(C)(2) prevail.
- 5-1(C)(1)(b) A different standard is stated in another section of this IDO, such as an Overlay zone standard in Part 14-16-3 (Overlay Zones) or a Use-specific Standard in Section 14-16-4-3, in which case that standard prevails.

## Part 14-16-5: Development Standards

### 5-1: Dimensional Standards

**Table 5-1-1: Residential Zone District Dimensional Standards**

UC-MS-PT = Urban Centers, Main Street areas, and Premium Transit areas as identified in the ABC Comp Plan  
BR = bedroom DU = dwelling units.

**Note: Any different dimensional standards in Part 14-16-3 (Overlay Zones) and Section 14-16-5-9 (Neighborhood Edges) applicable to the property shall prevail over the standards in this table.**

Zone District	R-A <sup>[1]</sup>	R-1 <sup>[1]</sup>	R-MC <sup>[2]</sup>	R-T <sup>[1]</sup>	R-ML	R-MH
Site Standards						
Lot size, minimum <sup>[3]</sup>	10,890 sq. ft.	R-1A: 3,500 sq. ft.	2,500 sq. ft. / manufactured home space	Single-family or two-family detached: 3,500 sq. ft. Townhouse or other allowable use: 2,200 sq. ft.	Single-family or two-family detached: 3,500 sq. ft. Townhouse or other allowable use: 2,200 sq. ft. Multi-family: 5,000 sq. ft.	10,000 sq. ft. <sup>[4]</sup>
		R-1B: 5,000 sq. ft.				
		R-1C: 7,000 sq. ft.				
		R-1D: 10,000 sq. ft.				
Contextual	See Subsection 14-16-5-1(C)(2)				N/A	
Lot width, minimum	75 ft.	R-1A: 25 ft.	40 ft. / manufactured home space	Single-family or two-family detached: 35 ft. Townhouse or other allowable use: 22 ft.	Single-family or two-family detached: 35 ft. Townhouse or other allowable use: 22 ft. Multi-family: 50 ft.	150 ft. UC-MS-PT: 100 ft.
		R-1B: 35 ft.				
		R-1C:50 ft.				
		R-1D:70 ft.				
Contextual	See Subsection 14-16-5-1(C)(2)				N/A	
Usable open space, minimum <sup>[5]</sup>	N/A	N/A	400 sq. ft. / manufactured home space	N/A	Efficiency or 1 BR: 225 sq. ft. / unit 2 BR:285 sq. ft. / unit ≥3 BR: 350 sq. ft. / unit UC-MS-PT: 50% reduction	
Setback Standards <sup>[6][7][8][9]</sup>						
Front, minimum	20 ft.	R-1A: 10 ft.	15 ft.	10 ft.	15 ft.	15 ft. UC-MS-PT: 0 ft.
		R-1B, R-1C: 15 ft.				
		R-1D: 20 ft.				
Front, maximum	N/A					N/A UC-MS-PT: 10 ft. along 70% of primary street frontage

## Part 14-16-5: Development Standards

### 5-1: Dimensional Standards

**Table 5-1-1: Residential Zone District Dimensional Standards**

UC-MS-PT = Urban Centers, Main Street areas, and Premium Transit areas as identified in the ABC Comp Plan  
BR = bedroom DU = dwelling units.

**Note: Any different dimensional standards in Part 14-16-3 (Overlay Zones) and Section 14-16-5-9 (Neighborhood Edges) applicable to the property shall prevail over the standards in this table.**

Zone District	R-A <sup>[1]</sup>	R-1 <sup>[1]</sup>	R-MC <sup>[2]</sup>	R-T <sup>[1]</sup>	R-ML	R-MH
Side, minimum <sup>[10]</sup>	10 ft.	R-1A, R-1B, R-1C: Interior: 5 ft. <sup>[11]</sup> Street side of corner lots: 10 ft.	Interior: 5 ft. Street side of corner lots: 10 ft.	Interior: 5 ft. Street side of corner lots: 10 ft. UC-MS-PT: 0 ft.		
		R-1D: 10 ft.				
Side, maximum	N/A					N/A UC-MS-PT: Street side of corner lots: 15 ft.
Rear, minimum	25 ft. min	R-1A: 10 ft.	10 ft.	15 ft.		
		R-1B, R-1C, R-1D: 15 ft.				
Building Height <sup>[9]</sup>						
Building height, maximum	26 ft.				38 ft.	48 ft. UC-MS-PT: 65 ft.
						12 ft. Workforce Housing Bonus
						No maximum for portions of building >100 ft. from all lot lines

## Part 14-16-5: Development Standards

### 5-1: Dimensional Standards

**Table 5-1-1: Residential Zone District Dimensional Standards**

UC-MS-PT = Urban Centers, Main Street areas, and Premium Transit areas as identified in the ABC Comp Plan  
BR = bedroom DU = dwelling units.

**Note: Any different dimensional standards in Part 14-16-3 (Overlay Zones) and Section 14-16-5-9 (Neighborhood Edges) applicable to the property shall prevail over the standards in this table.**

Zone District	R-A <sup>[1]</sup>	R-1 <sup>[1]</sup>	R-MC <sup>[2]</sup>	R-T <sup>[1]</sup>	R-ML	R-MH
<p>[1] Residential development that qualifies for funding through Article 14-17 of ROA 1994 (Family Housing Developments) may be eligible for development incentives specified in that Article.</p> <p>[2] In the R-MC zone district, setback standards apply to the entire project site, not to individual manufactured home spaces; however, the minimum distance between dwellings is 10 ft. unless the applicant otherwise demonstrates that the buildings comply with Article 14-2 of ROA 1994 (Fire Code).</p> <p>[3] Unless specified otherwise in this IDO, minimum lot size and width apply to the lot, not to individual dwelling units.</p> <p>[4] For lots in the R-MH zone district that do not meet this minimum lot size requirement, development is allowed pursuant to Subsection 14-16-6-8(E)(3).</p> <p>[5] Usable open space requirements for R-ML and R-MH are for multi-family residential development only. Use-specific standards for some development types require usable open space pursuant to Subsections 14-16-4-3(B)(3)(i) (Dwelling, Cottage Development) and 14-16-4-3(B)(5)(a) (Dwelling, Townhouse).</p> <p>[6] At corners and junctions with driveways, drive aisles, or alleys, additional clear sight triangle requirements in the DPM may apply.</p> <p>[7] For all low-density residential development, any driveway on a front or street side lot line must meet the standards in Subsection 14-16-5-3(C)(3)(b) (Driveways, Drive Aisles, and Access).</p> <p>[8] For buildings constructed on a lot line abutting a privately owned lot that is not under the same ownership as the subject property, Subsection 14-16-5-1(F) (Buildings Constructed on a Lot Line) applies.</p> <p>[9] Greater setbacks and/or reduced heights may be required for compliance with the National Electrical Safety Code (NESC) along lot lines that abut, are adjacent to, or within properties that contain overhead power lines and/or electric utility easements. Electric service provision from the Public Service Company of New Mexico (PNM) will also depend on adequate structure clearance requirements as outlined in the PNM Electric Service Guide.</p> <p>[10] The minimum side setback for two-family detached (duplex) and townhouse dwellings may vary, pursuant to the Use-specific Standards for those uses in Subsections 14-16-4-3(B)(4) and 14-16-4-3(B)(5), respectively.</p> <p>[11] In the R-1A sub-zone, one internal side setback may be 0 ft. if the opposite internal side setback is at least 10 ft.</p>						

#### 5-1(C)(2) Contextual Residential Development in Areas of Consistency

##### 5-1(C)(2)(a) Applicability

- For the following residential development types, the contextual lot size standards in Subsection (b) below do not apply, and the contextual setback standards in Subsection (c) below apply to the entire project site, not to individual lots or primary buildings:
  - Manufactured home communities in the R-MC zone district.
  - Cluster development.
  - Cottage development.
- All other development in any Residential zone district on blocks where lots have been platted and at least 1 primary building is constructed shall comply with the standards in Subsections (b) and (c) below.

##### 5-1(C)(2)(b) Lot Size

In any Residential zone district in an Area of Consistency, the minimum and maximum lot sizes for construction of new low-density residential development shall be based on the size of the Bernalillo County Tax Assessor's lot, or a combination of adjacent Tax Assessor's lots, on the portions of the blocks fronting the same street as the lot where the new low-density residential

development is to be constructed, rather than on the size of the individual subdivision lots shown on the existing subdivision plat.

1. New low-density residential development shall not be constructed on a Tax Assessor's lot, or combination of abutting Tax Assessor's lots, that is smaller than 75 percent of the average of the size of the Tax Assessor's lots, or combinations of adjacent Tax Assessor's lots, that contain a primary building on those blocks.
2. Within UC-MS-PT areas or within 1,320 feet (¼ mile) of DT-UC-MS-PT areas, new low-density residential development on a lot 10,000 square feet or larger shall not be constructed on a Tax Assessor's lot, or combination of abutting Tax Assessor's lots, that is smaller than 50 percent of the average of the size of the Tax Assessor's lots, or combinations of adjacent Tax Assessor's lots, that contain a primary building on those blocks.
3. New low-density residential development shall not be constructed on a Tax Assessor's lot, or combination of abutting Tax Assessor's lots, that is larger than 125 percent of the average of the size of the Tax Assessor's lots, or combinations of adjacent Tax Assessor's lots, that contain a primary building on those blocks. On lots that include sensitive lands or are adjacent to sensitive lands or Major Public Open Space, the lot may be up to 150 percent larger.
4. In making these calculations, the size of any Tax Assessor's lot or combination of adjacent tax assessor's lots containing primary buildings on that block that are not low-density residential development shall be ignored.
5. In making the calculations in Subsections 1 through 4 above, any lots owned by the applicant with existing site features that are to be preserved, including but not limited to areas of open space or existing structures, shall not be considered in the contextual standards calculations for lot size.

**5-1(C)(2)(c) Front Setbacks**

In any Residential zone district in an Area of Consistency, the front setback for construction of new low-density residential development shall be based on the existing front setbacks of primary buildings on adjacent lots:

1. If both of the abutting lots facing the same street are low-density residential development, the front setback of any new dwellings shall be between the closer and farther front setbacks of the 2 primary dwellings on the abutting lots. (See illustration below).
2. If only 1 of the abutting lots facing the same street is a low-density residential development, the front setback of any new dwellings shall be within 3 feet of the front setback of the

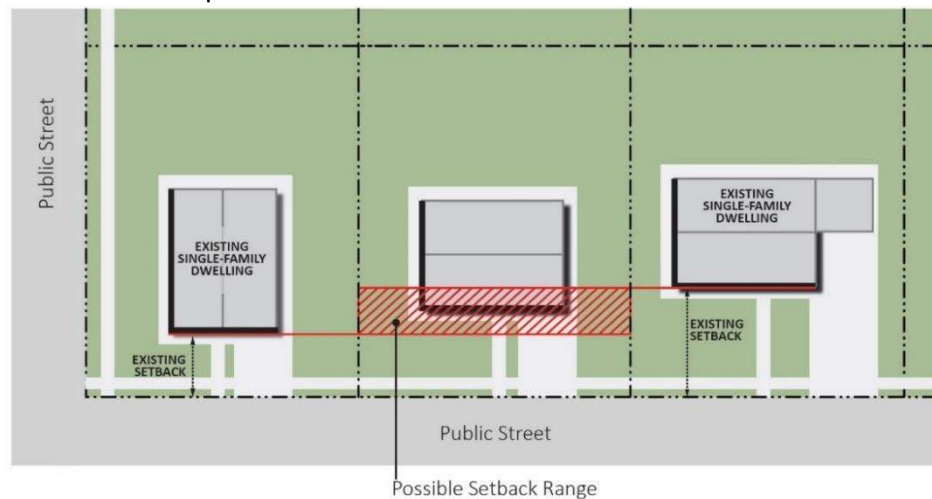


## Part 14-16-5: Development Standards

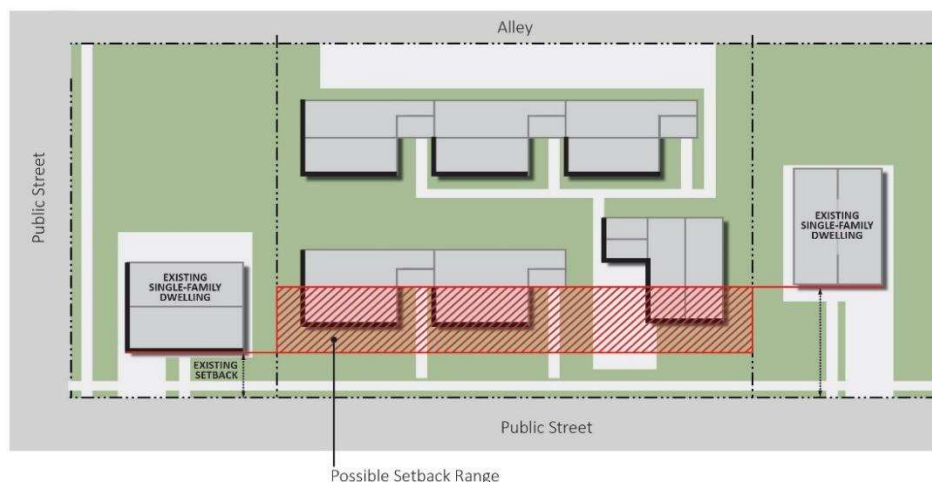
### 5-1: Dimensional Standards

existing primary dwelling on the abutting lot or within the front setback required by Table 5-1-1, whichever allows the new buildings to be closer to the street.

3. If both of the abutting lots are vacant, but at least 2 adjacent lots facing the same street are low-density residential development, the front setback of any new dwellings shall be between the closer and farther front setbacks of the 2 primary dwellings on adjacent lots or within the front setback required by Table 5-1-1, whichever allows the new buildings to be closer to the street.
4. If both of the abutting lots are vacant, but only 1 adjacent lot facing the same street is low-density residential development, the front setback of any new dwellings shall be constructed pursuant to the standards in Table 5-1-1.



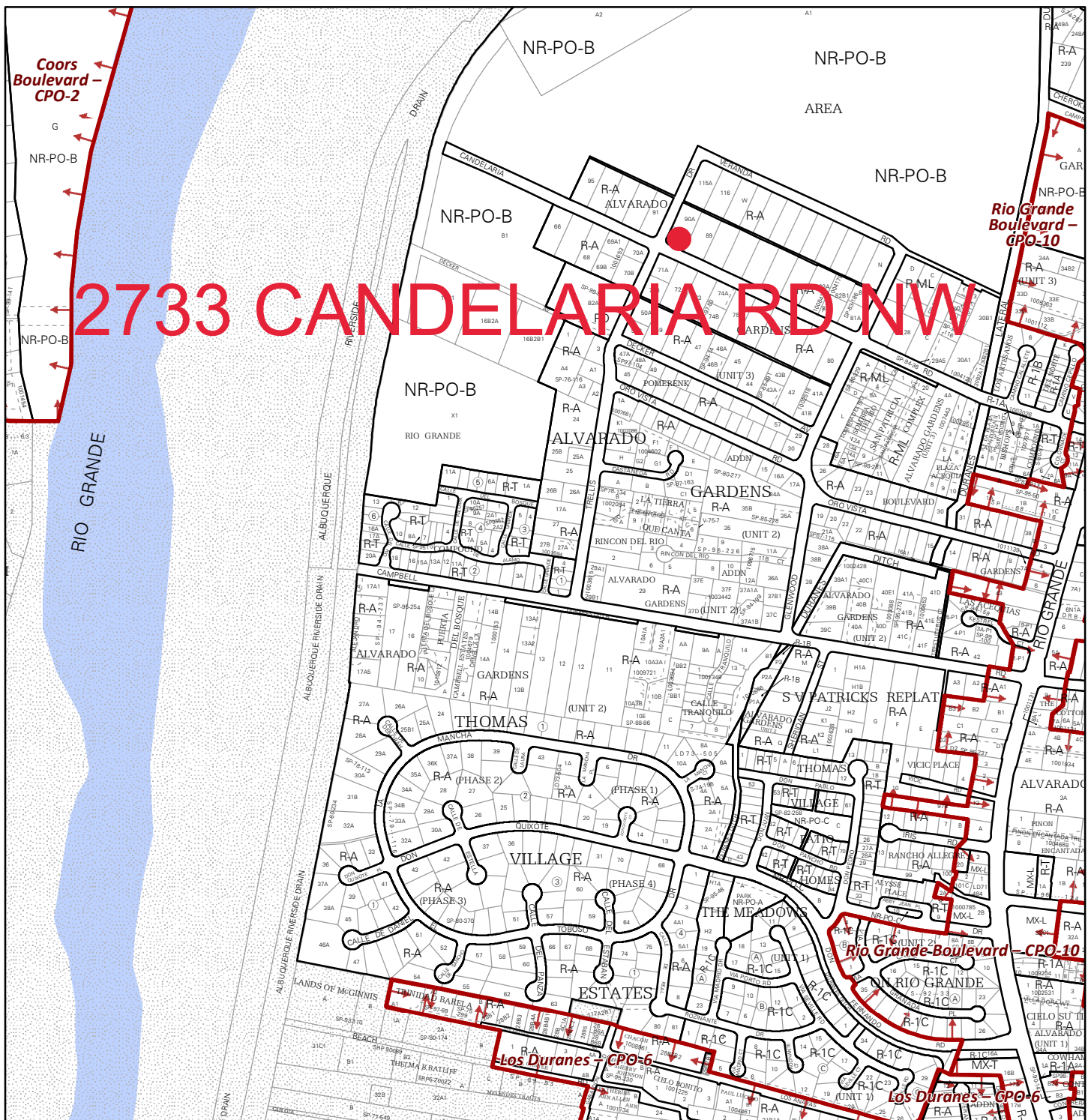
**Contextual Residential Front Setbacks for Low-density Residential Development**



**Contextual Residential Front Setbacks for Cluster and Cottage Development**

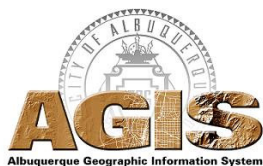
5-1(C)(2)(d) **Side Setbacks**

In any Residential zone district in an Area of Consistency, the side setback for construction of new low-density residential development may be based on the minimum side setback in Table 5-1-1 for the relevant zone district or the existing side setbacks of primary buildings on adjacent lots with low-density residential development facing the same street as the lot where the new low-density residential development is to be constructed.

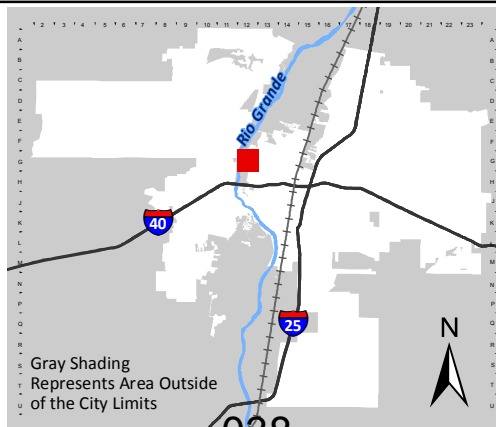


For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

# 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:  
**G-12-Z**

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

0 250 500 1,000 Feet

**Sanchez, Suzanna A.**

---

**From:** Sanchez, Suzanna A.  
**Sent:** Wednesday, February 22, 2023 9:46 AM  
**To:** 'eobsmileyface@yahoo.com'  
**Subject:** ZHE Information for 2733 Candelaria Rd NW  
**Attachments:** 1. Letter to Neighborhood Association.pdf; VARIANCE JUSTIFICATION APRIL 2021.pdf

**Importance:** High

Good morning,

Thank you for your ZHE Special Exception Request. Please request the neighborhood association representatives from the Office of Neighborhood Coordination using the following link, <https://www.cabq.gov/office-of-neighborhood-coordination/neighborhood-meeting-inquiry-sheet>.

**Fill in and forward the attached Letter to Neighborhood Association to the list of neighborhood association contacts.** It is recommended that the neighborhood associations be notified 45 days prior to application submittal. Per Section 14-16-6-4(C)(3) of the Integrated Development Ordinance, a meeting request must be sent to the 2 representatives of all applicable Neighborhood Associations via Certified Mail, return receipt requested, or via email. **(Please include project information such as renderings, a site plan and/or a photo in the notice).**

Please forward me the items below at your earliest convenience.

-Proof of email to the Neighborhood Association  
-Justification Letter

If you have questions, please contact me.

Thank you,

*Suzie*



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

## Sanchez, Suzanna A.

---

**From:** Carmona, Dalaina L.  
**Sent:** Wednesday, February 22, 2023 2:38 PM  
**To:** 'eobsmileyface@yahoo.com'  
**Cc:** Sanchez, Suzanna A.  
**Subject:** 2733 Candelaria Rd. NW, ABQ, NM 87107 Neighborhood Meeting Inquiry Sheet Submission  
**Attachments:** IMG\_3073 (3).jpg

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

### PLEASE NOTE:

The City Council recently voted to update the Neighborhood Association Recognition Ordinance (NARO) and the Office of Neighborhood Coordination (ONC) is working to ensure all neighborhood associations and neighborhood coalitions are in compliance with the updated ordinance. There will likely be many updates and changes to association and coalition contact information over the next several months. With that in mind, please check with the ONC every two (2) weeks to ensure that the contact information you have for associations and coalitions is up to date.

Dear Applicant:

Please find the neighborhood contact information listed below. Please make certain to read the information further down in this e-mail as it will help answer other questions you may have.

Association Name	First Name	Last Name	Email	Address Line 1	City
Alvarado Gardens NA	Mike	Dexter	<a href="mailto:medexter49@gmail.com">medexter49@gmail.com</a>	3015 Calle San Ysidro NW	Albuquerque
Alvarado Gardens NA	Diana	Hunt	<a href="mailto:president@alvaradoneighborhood.com">president@alvaradoneighborhood.com</a>	2820 Candelaria Road NW	Albuquerque
North Valley Coalition	Peggy	Norton	<a href="mailto:peggynorton@yahoo.com">peggynorton@yahoo.com</a>	P.O. Box 70232	Albuquerque
North Valley Coalition	Doyle	Kimbrough	<a href="mailto:newmexmba@aol.com">newmexmba@aol.com</a>	2327 Campbell Road NW	Albuquerque

The ONC does not have any jurisdiction over any other aspect of your application beyond this neighborhood contact information. We can't answer questions about sign postings, pre-construction meetings, permit status, site plans, buffers, or project plans, so we encourage you to contact the Planning Department at: 505-924-3857 Option #1, e-mail: [devhelp@cabq.gov](mailto:devhelp@cabq.gov), or visit: <https://www.cabq.gov/planning/online-planning-permitting-applications> with those types of questions.

Please note the following:

- You will need to e-mail each of the listed contacts and let them know that you are applying for an approval from the Planning Department for your project.
- Please use this online link to find the required forms you will need to submit your permit application. <https://www.cabq.gov/planning/urban-design-development/public-notice>.



- The Checklist form you need for notifying neighborhood associations can be found here: [https://documents.cabq.gov/planning/online-forms/PublicNotice/CABQ-Official\\_public\\_notice\\_form-2019.pdf](https://documents.cabq.gov/planning/online-forms/PublicNotice/CABQ-Official_public_notice_form-2019.pdf).
- The Administrative Decision form you need for notifying neighborhood associations can be found here: <https://documents.cabq.gov/planning/online-forms/PublicNotice/Emailed-Notice-Administrative-Print&Fill.pdf>
- Once you have e-mailed the listed contacts in each neighborhood, you will need to attach a copy of those e-mails AND a copy of this e-mail from the ONC to your application and submit it to the Planning Department for approval.

If your application requires you to offer a neighborhood meeting, you can click on this link to find required forms to use in your e-mail to the neighborhood association(s):

<http://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance>

If your application requires a pre-application or pre-construction meeting, please plan on utilizing virtual platforms to the greatest extent possible and adhere to all current Public Health Orders and recommendations. The health and safety of the community is paramount.

If you have questions about what type of notification is required for your particular project or meetings that might be required, please click on the link below to see a table of different types of projects and what notification is required for each:

<https://ido.abc-zone.com/integrated-development-ordinance-ido?document=1&outline-name=6-1%20Procedures%20Summary%20Table>

Thank you.



*Dalaina L. Carmona*

Senior Administrative Assistant  
Office of Neighborhood Coordination  
Council Services Department  
1 Civic Plaza NW, Suite 9087, 9<sup>th</sup> Floor  
Albuquerque, NM 87102  
505-768-3334

[dlcarmona@cabq.gov](mailto:dlcarmona@cabq.gov) or [ONC@cabq.gov](mailto:ONC@cabq.gov)

Website: [www.cabq.gov/neighborhoods](http://www.cabq.gov/neighborhoods)



Confidentiality Notice: This e-mail, including all attachments is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited unless specifically provided under the New Mexico Inspection of Public Records Act. If you are not the intended recipient, please contact the sender and destroy all copies of this message.

**From:** webmaster@cabq.gov <webmaster@cabq.gov>  
**Sent:** Wednesday, February 22, 2023 12:36 PM  
**To:** Office of Neighborhood Coordination <eobsmileface@yahoo.com>  
**Cc:** Office of Neighborhood Coordination <onc@cabq.gov>  
**Subject:** Neighborhood Meeting Inquiry Sheet Submission

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

Neighborhood Meeting Inquiry For:

Other (please specify in field below)

If you selected "Other" in the question above, please describe what you are seeking a Neighborhood Meeting Inquiry for below:

Variance: A copy of our joint 1991 survey of both adjacent properties is attached. 1. Our Plat #, Zone Atlas map locations, etc., is attached. 2. Originally, we bought our plot as one 109.96' x 231.31'. In 1991 we created 2 new tracts from existing lot

Contact Name

Emma Luna

Telephone Number

1505504418

Email Address

[eobsmileface@yahoo.com](mailto:eobsmileface@yahoo.com)

Company Name

owner

Company Address

3610 Trellis Dr. NW

City

Albuquerque

State

NM

ZIP

87107

Legal description of the subject site for this project:

2733 Candelaria Rd NW

Lot 90B Block: 0000

Subdivision: Alvarado Garden

Unit: 3

Pin: ABQ66416

IDO Zoning: R-A

Calculated GIS Acres: 02768

Physical address of subject site:

2733 Candelaria Rd. NW, ABQ, NM 87107

Subject site cross streets:

Candelaria and Trellis

Other subject site identifiers:

1 block from Rio Grande Nature Center

This site is located on the following zone atlas page:

[file:///C:/Users/rl865/Downloads/2733%20CANDELARIA%20RD%20NW Atlas%20Map G-12-Z.PDF](file:///C:/Users/rl865/Downloads/2733%20CANDELARIA%20RD%20NW%20Atlas%20Map%20G-12-Z.PDF)

Captcha

x

## Sanchez, Suzanna A.

---

**From:** Sanchez, Suzanna A.  
**Sent:** Friday, February 24, 2023 11:45 AM  
**To:** 'medexter49@gmail.com'; 'president@alvaradoneighborhood.com'; 'peggynorton@yahoo.com'; 'Newmexmba'  
**Cc:** 'emma luna'  
**Subject:** ZHE Application Notice for 2733 Candelaria RD NW  
**Attachments:** 2733 Candelaria.pdf  
  
**Importance:** High

Dear Neighborhood Association Representative,

I am forwarding the attached notice on behalf of property owners, Emma and Roy Luna. The applicants are requesting a special exemption from the City of Albuquerque for a variance of 13 feet to the 25 foot rear setback in an R-A zone.

Please let me know if you would like more information or a meeting with the applicant.

Thank you,

*Suzie Flores*



**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)



## REQUEST FOR NEIGHBORHOOD MEETING

Date: 2-22-2023

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 Variance to expand  
our lot 90 B set back yard 100.24 to 113'. Which  
will reduce south lot A side yard from (summary of request).  
118.07' from 131.07'

Property owner Emma and Roy Luna  
Agent if applicable N/A  
Property Address 2733 Candalaria, Albuquerque, NM, 87107 (zip code).  
2733

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 Emma Luna  
Email eob smiley face@yahoo.com  
Phone Number 505-504-4188

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

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

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

**Public Notice of a Proposed Project in the City of Albuquerque  
Administrative Review/Decision – Electronic Mail**

Date of Notice\*: 2-23-2023

This notice of an application 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) \*: Alvarado Garden

Name of NA Representative\*: \_\_\_\_\_

Email Address\* or Mailing Address\* of NA Representative<sup>1</sup>: \_\_\_\_\_

**Information Required by IDO Subsection 14-16-6-4(K)(1)(a)**

1. Subject Property Address\* 2733 Candelaria Rd NW ABQ NM  
Location Description 87107

2. Property Owner\* Roy & Emma Luna

3. Agent/Applicant\* [if applicable] N/A

4. Application(s) Type\* per IDO Table 6-1-1

- ☐ Historic Certificate of Appropriateness – Minor
- ☐ Sign Permit
- ☐ Alternative Signage Plan
- ☐ Wall/Fence Permit
- ☐ Site Plan – Administrative<sup>2</sup>

Summary of project/request\*:

Variance to expand our Lot 90B  
setback yard 100.24 to 113'. Which will  
reduce south Lot A side yard 118.07' from  
131.07'

5. This application will be decided by staff. Please contact [devhelp@cabq.gov](mailto:devhelp@cabq.gov) or call the Planning Department at 505-924-3860 to speak with staff.

<sup>1</sup> 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.

<sup>2</sup> Usually submitted and reviewed as part of building permit application, which can be searched by address here: <https://posse.cabq.gov/posse/pub/lms/Login.aspx>

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

6. Where more information about the project can be found\*<sup>3</sup>:

**Information Required for Email Notice by IDO Subsection 6-4(K)(1)(b):**

1. Zone Atlas Page(s)\*<sup>4</sup> G-12-2
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 have been requested for this project\*:

☐ Deviation(s) ☒ Variance(s)<sup>5</sup> ☐ Waiver(s)<sup>6</sup>

Explanation\*:

Variance to expand our Lot 90B  
Setback 1002.24 to 113' which will  
reduce south LOT A sideyard from 118.07' from  
131.07'

4. Pre-submittal Neighborhood Meeting: Not Required
5. **For Site Plan – Administrative 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:**

From the IDO Zoning Map<sup>7</sup>: G-12-2

1. Area of Property [typically in acres] 0.2768
2. IDO Zone District R-A
3. Overlay Zone(s) [if applicable] \_\_\_\_\_
4. Center or Corridor Area [if applicable] \_\_\_\_\_

<sup>3</sup> Address (mailing or email), phone number, or website to be provided by the applicant

<sup>4</sup> Available online here: <http://data.cabq.gov/business/zoneatlas/>

<sup>5</sup> Separate notice is required for Variances.

<sup>6</sup> Separate notice is required for Waivers.

<sup>7</sup> Available here: <https://tinurl.com/idozoningmap>

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

Current Land Use(s) [vacant, if none] R-A

---

**NOTE:** Pursuant to IDO Subsection 14-16-6-4(L), property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting within 15 days of the date of this notice. To request a facilitated meeting regarding this project, contact the Planning Department at [devhelp@cabq.gov](mailto:devhelp@cabq.gov) or 505-924-3955.

**Useful Links**

**Integrated Development Ordinance (IDO):**

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

**IDO Interactive Map**

<https://tinyurl.com/IDOzoningmap>

Cc: \_\_\_\_\_ [Other Neighborhood Associations, if any]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3610 Trellis Dr. NW  
Albuquerque, NM 87107

2/22/2023

To Whom It May Concern;

Re; Public Notice form to Alvarado Gardens

I am submitting a Letter describing, explaining, and justifying the request for a Variance. A copy of our joint 1991 survey of both adjacent properties is attached.

1. Our Plat #, Zone Atlas map locations, etc., is attached.
2. Originally, we bought our plot as one 109.96' x 231.31'. In 1991 we created 2 new tracts from existing lot.
  - Lot 90 A side is 109.96' x 131.07' front facing Trellis road Lot B front facing Candelaria road is 109.96' x 100.24' (side)
3. We want to get a variance to expand Lot B rear set back (backyard) 100.24 to 113' (side on Trellis DR NW) See attached survey. 2.) Which will reduce Lot A front/side yard from 131.07 to 118.07 on Trellis DR. NW. Written in red ink.

Thank you for your support.

Sincerely,



Emma Luna

505-504-4188

*ecbsmileface@yahoo.com*

## Alvarado Public Notice

---

From: emma luna (eobsmileyface@yahoo.com)

To: medexter49@gmail.com; dianadaleo@gmail.com

Cc: eobsmileyfac@yahoo.com

Date: Thursday, February 23, 2023, 10:54 AM MST

---

3610 Trellis Dr. NW  
Albuquerque, NM 87107

2/22/2023

To Whom It May Concern;

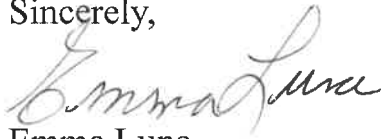
Re; Public Notice form to Alvarado Gardens

I am submitting a Letter describing, explaining, and justifying the request for a Variance. A copy of our joint 1991 survey of both adjacent properties is attached.

1. Our Plat #, Zone Atlas map locations, etc., is attached.
2. Originally, we bought our plot as one 109.96' x 231.31'. In 1991 we created 2 new tracts from existing lot.
  - Lot 90 A side is 109.96' x 131.07' front facing Trellis road Lot B front facing Candelaria road is 109.96' x 100.24' (side)
3. We want to get a variance to expand Lot B rear set back (backyard) 100.24 to 113' (side on Trellis DR NW) See attached survey. 2.) Which will reduce Lot A front/side yard from 131.07 to 118.07 on Trellis DR. NW. Written in red ink.

Thank you for your support.

Sincerely,



Emma Luna

505-504-4188



3610 Trellis Dr.docx  
14.4kB



IMG\_3073 (1).jpg  
2.5MB



**Sanchez, Suzanna A.**

---

**From:** Carmona, Dalaina L.  
**Sent:** Wednesday, February 22, 2023 11:02 AM  
**To:** 'eobsmileyface@yahoo.com'  
**Cc:** Sanchez, Suzanna A.  
**Subject:** 2733 Candelaria RD NW Neighborhood Meeting Inquiry Sheet Submission  
**Attachments:** 2733 CANDELARIA RD NW\_Atlas Map\_G-12-Z.PDF

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**PLEASE NOTE:**

The City Council recently voted to update the Neighborhood Association Recognition Ordinance (NARO) and the Office of Neighborhood Coordination (ONC) is working to ensure all neighborhood associations and neighborhood coalitions are in compliance with the updated ordinance. There will likely be many updates and changes to association and coalition contact information over the next several months. With that in mind, please check with the ONC every two (2) weeks to ensure that the contact information you have for associations and coalitions is up to date.

Dear Applicant:

Please find the neighborhood contact information listed below. Please make certain to read the information further down in this e-mail as it will help answer other questions you may have.

Association Name	First Name	Last Name	Email	Address Line 1
Alvarado Gardens NA	Mike	Dexter	medexter49@gmail.com	3015 Calle San Ysidro NW
Alvarado Gardens NA	Diana	Hunt	president@alvaradoneighborhood.com	2820 Candelaria Road NW
North Valley Coalition	Peggy	Norton	peggynorton@yahoo.com	P.O. Box 70232
North Valley Coalition	Doyle	Kimbrough	newmexmba@aol.com	2327 Campbell Road NW

The ONC does not have any jurisdiction over any other aspect of your application beyond this neighborhood contact information. We can't answer questions about sign postings, pre-construction meetings, permit status, site plans, buffers, or project plans, so we encourage you to contact the Planning Department at: 505-924-3857 Option #1, e-mail: [devhelp@cabq.gov](mailto:devhelp@cabq.gov), or visit: <https://www.cabq.gov/planning/online-planning-permitting-applications> with those types of questions.

Please note the following:

- You will need to e-mail each of the listed contacts and let them know that you are applying for an approval from the Planning Department for your project.
- Please use this online link to find the required forms you will need to submit your permit application. <https://www.cabq.gov/planning/urban-design-development/public-notice>.

**From:** webmaster@cabq.gov <webmaster@cabq.gov>  
**Sent:** Wednesday, February 22, 2023 10:05 AM  
**To:** Office of Neighborhood Coordination <eobsmileyface@yahoo.com>  
**Cc:** Office of Neighborhood Coordination <onc@cabq.gov>  
**Subject:** Neighborhood Meeting Inquiry Sheet Submission

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

Neighborhood Meeting Inquiry For:

Zoning Hearing Examiner

If you selected "Other" in the question above, please describe what you are seeking a Neighborhood Meeting Inquiry for below:

Contact Name

Emma & Roy Luna

Telephone Number

5055044188

Email Address

[eobsmileyface@yahoo.com](mailto:eobsmileyface@yahoo.com)

Company Name

Company Address

City

State

ZIP

Legal description of the subject site for this project:

Lot 90B

Block 0

Alvarado Gardens Unit 3

Physical address of subject site:

2733 Candelaria RD NW

Subject site cross streets:

Lomas

Other subject site identifiers:

This site is located on the following zone atlas page:

G12

Captcha

x

## Sanchez, Suzanna A.

---

**From:** AGNA Board President <president@alvaradoneighborhood.com>  
**Sent:** Monday, March 6, 2023 4:33 PM  
**To:** Sanchez, Suzanna A.  
**Cc:** medexter49@gmail.com; Newmexmba; emma luna  
**Subject:** Re: ZHE Application Notice for 2733 Candelaria RD NW  
**Attachments:** Luna Variance Response.pdf

**Importance:** High

**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.

Hello Suzie,

The Alvarado Gardens Neighborhood Association had a chance to review the plans and application for 2733 Candelaria Rd NW.

In our desire to maintain the feel of our neighborhood, our neighborhood association is against most applications for variance unless the requirements set forth in the IDO are met. I am attaching a copy of AGNA's Land Use committee response (approved by the AGNA Board) and have discussed this with our neighbor, Emma Luna. We leave it up to the planning department to review our response, consider the request by the Luna's and make their decision.

Sincerely,

Diana Hunt, AGNA President

On 2023-02-24 10:45, Sanchez, Suzanna A. wrote:

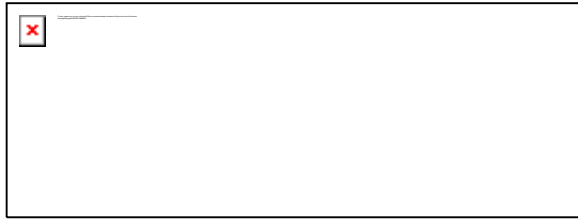
Dear Neighborhood Association Representative,

I am forwarding the attached notice on behalf of property owners, Emma and Roy Luna. The applicants are requesting a special exemption from the City of Albuquerque for a variance of 13 feet to the 25 foot rear setback in an R-A zone.

Please let me know if you would like more information or a meeting with the applicant.

Thank you,

*Suzie Flores*



## 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)

2733 Candelaria Rd NW:  
(Applicant is Emma Luna at 3610 Trellis Rd NW)

Variance request review of criteria and applicant justifications.

Summary of Request: The explanations of the dimensions and distances are a bit unclearly laid out, but we understand the meaning to be that an exemption to the rear yard setback (north side of Lot 90B) is requested. The IDO requires a 25' setback for a rear property line for an RA-zoned property. The assumption is that with a variance request of 13', the plot plan as drawn for the proposed construction leaves 12' between the structure and the rear property line.

Responses to Applicant's 02/24/23 Variance Justification Letter:

1. Special circumstances:
  - a. There are no special circumstances applicable to this single lot which do not apply generally to other property.....
  - b. There being no special circumstances, extraordinary hardship does not exist.
  - c. Similarly, there is no limitation on the reasonable use on the property or on economic return, and
  - d. No practical difficulties result from strict compliance with minimum standards.
2. Our concern as a neighborhood is that consistent adherence to Zone Code (IDO) is appropriate, and erosion of the standards can be detrimental to the patterns of land use laid out in the IDO.
3. Applicant response states that *"both Lot 90A and 90B will be within setback standards"*; this is not true: the layout - if Variance were granted - would crowd the property line and the separate property at Lot 90 A. Lot 90B would not have any compliant rear yard setback. At such time as the properties are owned by parties other than the applicant and her daughter this becomes a larger problem in the eyes of the IDO and likewise for subsequent applications for modifications.
4. The neighborhood believes that granting of the Variance would in fact materially undermine the intent and purpose of the IDO. Repeated and frequent disregard for the stipulated setback distances of the IDO will ultimately erode the meaning, intent and purpose of the IDO.
5. The Variance requested is not the minimum necessary to avoid extraordinary hardship. The hardship such as it is outlined involves the cost to formally move the property line. Given the overall cost of development of a single family residence, the replat required is a minor cost and an appropriate remedy. A variance is an unnecessary and inappropriate method for achieving approval of the site plan submitted (Note: the dimensions shown on the site plan showing the proposed residence are not legible).

It appears to the Neighborhood Association that the use of a Variance rather than a replat is simply for the convenience of the applicant, and sets an unwanted precedent for similar applications in the neighborhood. We urge denial of this application.

The Neighborhood Association does not request a meeting with the Applicant.

## Sanchez, Suzanna A.

---

**From:** AGNA Board President <president@alvaradoneighborhood.com>  
**Sent:** Monday, February 27, 2023 8:53 PM  
**To:** Sanchez, Suzanna A.  
**Cc:** medexter49@gmail.com; peggynorton@yahoo.com; Newmexmba; emma luna  
**Subject:** Re: ZHE Application Notice for 2733 Candelaria RD NW

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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

Thank you Suzanna. I have forwarded this request for variance to the AGNA zoning committee for review.

Diana Hunt, AGNA President

On 2023-02-24 11:45, Sanchez, Suzanna A. wrote:

Dear Neighborhood Association Representative,

I am forwarding the attached notice on behalf of property owners, Emma and Roy Luna. The applicants are requesting a special exemption from the City of Albuquerque for a variance of 13 feet to the 25 foot rear setback in an R-A zone.

Please let me know if you would like more information or a meeting with the applicant.

Thank you,

*Suzie Flores*





## 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)

## Sanchez, Suzanna A.

---

**From:** Peggy Norton <peggynorton@yahoo.com>  
**Sent:** Friday, February 24, 2023 12:47 PM  
**To:** medexter49@gmail.com; president@alvaradoneighborhood.com; Newmexmba; Sanchez, Suzanna A.  
**Cc:** emma luna  
**Subject:** Re: ZHE Application Notice for 2733 Candelaria RD NW

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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

Thank you for the information. We would defer to the local neighborhood association.

Peggy Norton, President  
North Valley Coalition

On Friday, February 24, 2023 at 11:45:21 AM MST, Sanchez, Suzanna A. <suzannasanchez@cabq.gov> wrote:

Dear Neighborhood Association Representative,

I am forwarding the attached notice on behalf of property owners, Emma and Roy Luna. The applicants are requesting a special exemption from the City of Albuquerque for a variance of 13 feet to the 25 foot rear setback in an R-A zone.

Please let me know if you would like more information or a meeting with the applicant.

Thank you,

Suzie Flores



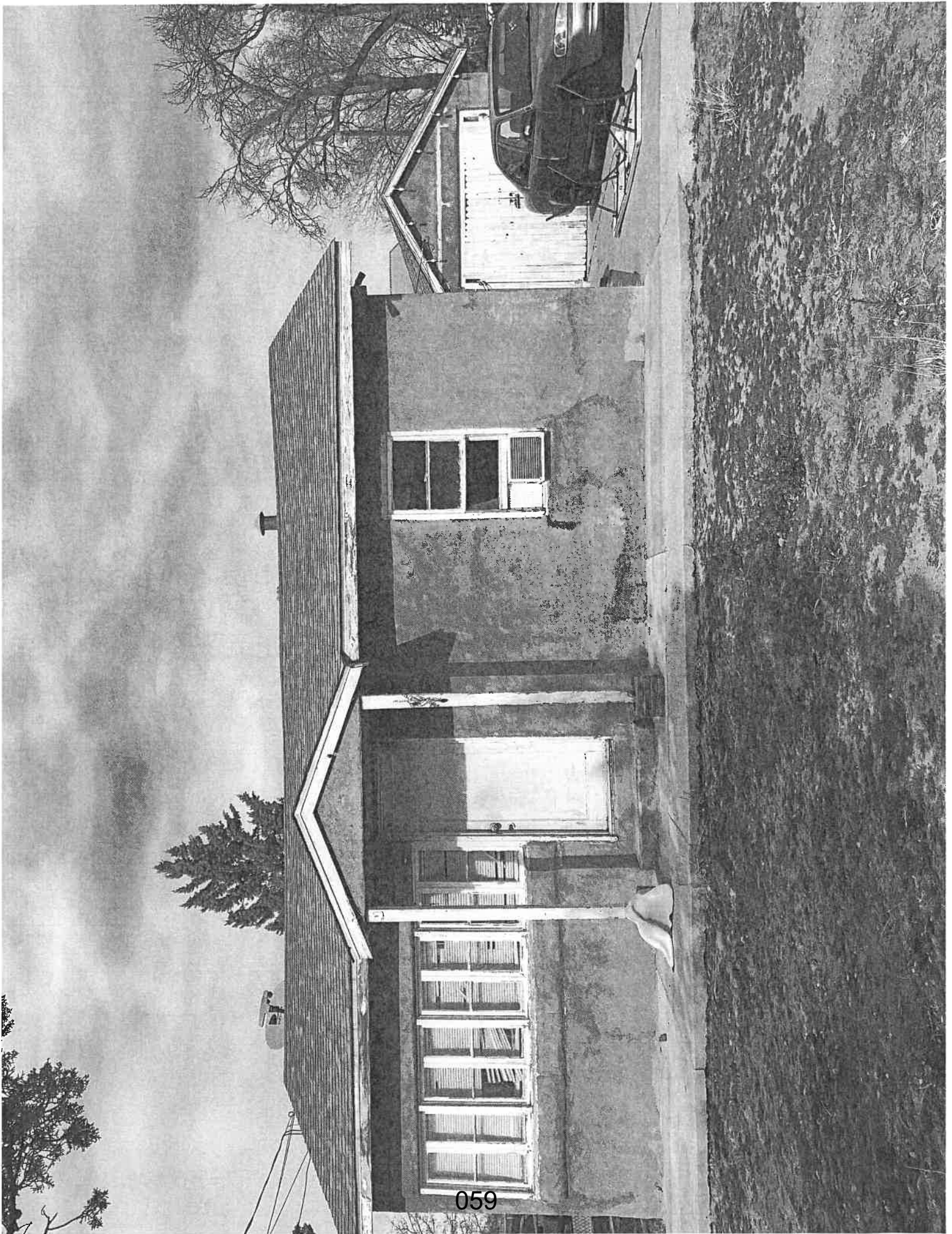
## SUZIE SANCHEZ-FLORES

zhe administrative assistant

o 505.924.3894

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

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



059

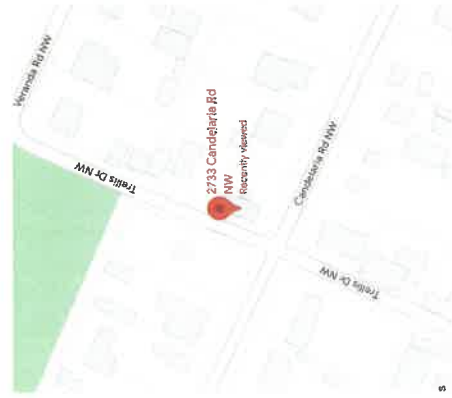
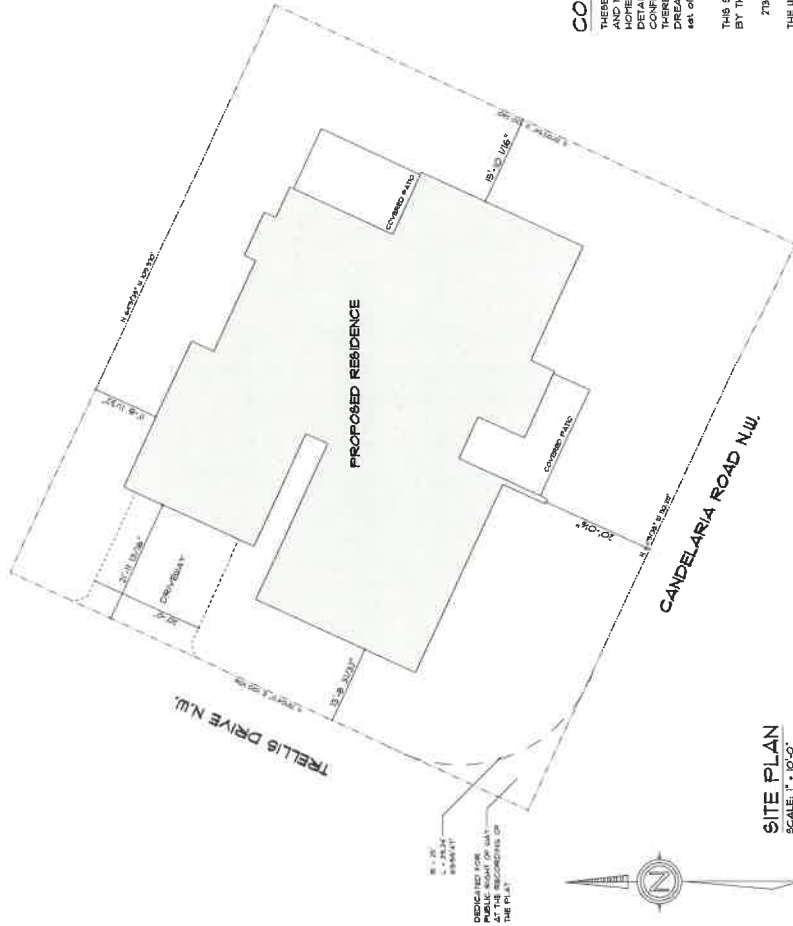
# DAVIS RESIDENCE

2133 CANDELARIA ROAD N.W.  
LOT 90 B

## INDEX OF DRAWINGS:

- 1: SITE PLAN
- 2: ARCHITECTURAL
- 3: ELEVATIONS
- 4: FOUNDATION
- 5: FOUNDATION DETAILS
- 6: DIMENSIONS
- 7: WALL SECTIONS
- 8: ROOF FRAMING
- 9: STRUCTURAL
- 10: ELECTRICAL

AREA CALCS:  
HEATED AREA: 2911  
PATIOS: 400  
GARAGE: 686  
TOTAL: 3997

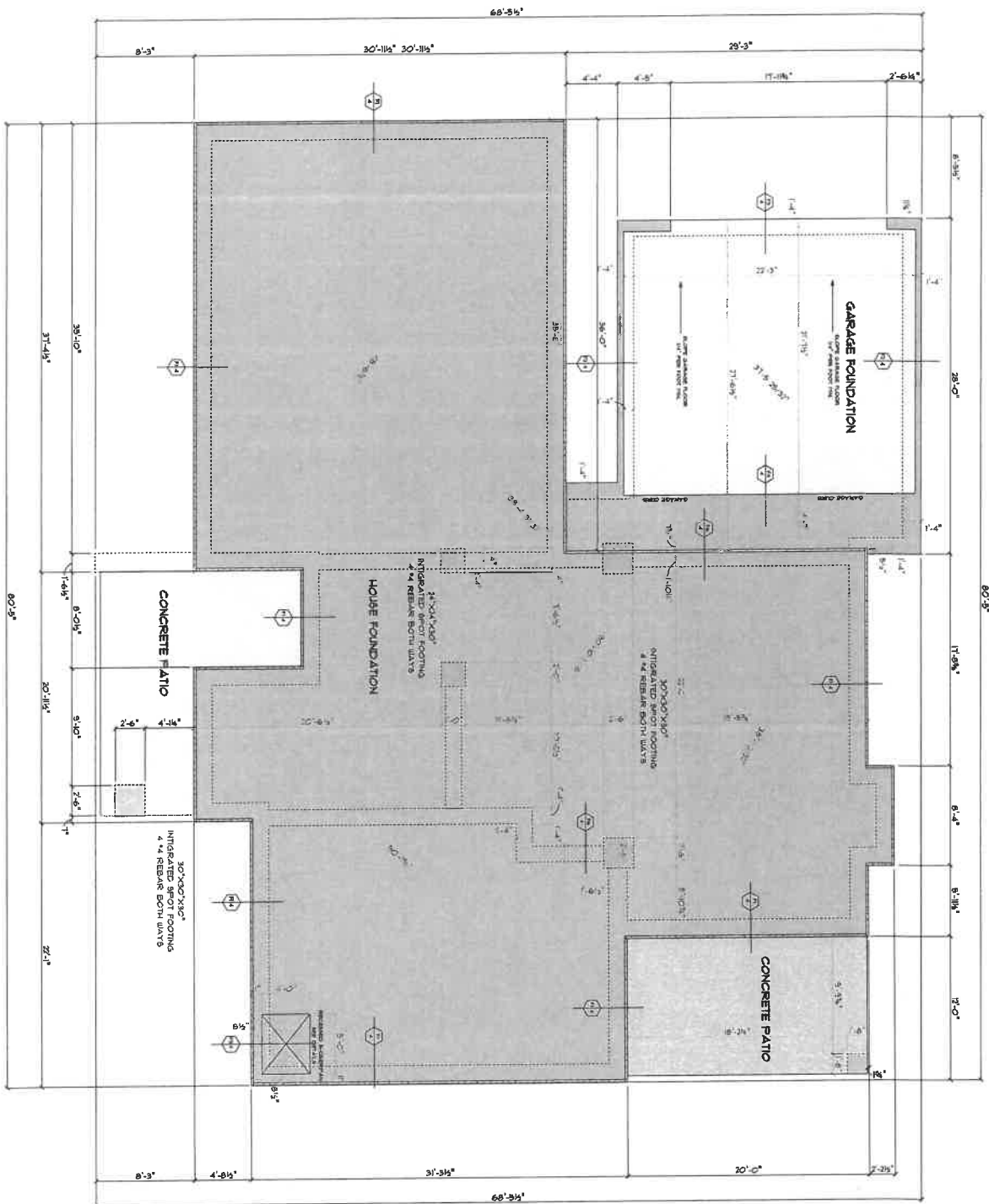


SITE PLAN  
SCALE: 1" = 10'-0"

**COPYRIGHT/DISCLAIMER**  
THESE PLANS WERE DRAWN IN ACCORDANCE WITH ALL B.C. REC. REQUIREMENTS AND STANDARDS. DREAMLINE ARCHITECTS INC. HAS GIVEN THE UPMOST ATTENTION IN DETAILING THESE PLANS IN AN EFFORT TO MINIMIZE ANY CONFUSION OR ERROR DURING THE CONSTRUCTION PHASE. IF ANY DISCREPANCY OR ERROR IS FOUND, THE CONTRACTOR SHALL BE RESPONSIBLE FOR CORRECTING THE SAME. DREAMLINE ARCHITECTS INC. BEGORE PROCEEDING. THIS IS A CONTRACTUAL SET OF DRAWINGS NOT PREPARED BY A REGISTERED ARCHITECT.  
THIS SET OF PLANS WAS DRAWN FOR AND INTENDED FOR USE ONLY BY THE DAVIS FAMILY AT THE ADDRESS OF:  
2133 CANDELARIA ROAD N.W. LOT 90-B.  
THE USE OF THESE PLANS OUTSIDE THE INTENDED USE WILL CONSTITUTE A COPYRIGHT INFRINGEMENT AND ANY DISPUTES SHALL BE RESOLVED IN THE SECOND JUDICIAL COURT IN BERNALILLO COUNTY, N.M.

# FOUNDATION PLAN

SCALE: 1/4" = 1'-0"



## GENERAL NOTES

- > MINIMUM 3000 PSI CONCRETE COMP. STRENGTH 90 DAYS
- > 6"x6" WOOD LAGS, USE FISH 1/2" IN CONCRETE
- > REINFORCING STEEL SHALL CONFORM TO CURRENT IRC
- > LAP REBAR JOINTS SHALL BE A MIN OF 3'
- > IN ASSEMBLED 2x6 JOIST PANELS FOR PERMITTER INSULATION
- > KEEP TOP OF PANEL ABOVE FINISHED FLOOR FOR PROPER CONNECTION OF BOTTOM ROW OF ICF
- > MIN OF 1" REBAR VERTICAL 4'-0" O.C. FOR CONNECTION OF ICF WALL TO SLAB

Davis Residence

PHONE: 605-720-6622  
FAX:  
MOBILE:  
ed@edwards1@gmail.com

Dreamline Homes Inc.  
Custom Building and Remodeling

PHONE: 406-261-1111  
MOBILE: 406-261-1111  
ed@edwards1@gmail.com

SCALE: 1/4" = 1'-0"

DRAWN BY:

DATE: Wednesday, December 21, 2022



APPROVED:

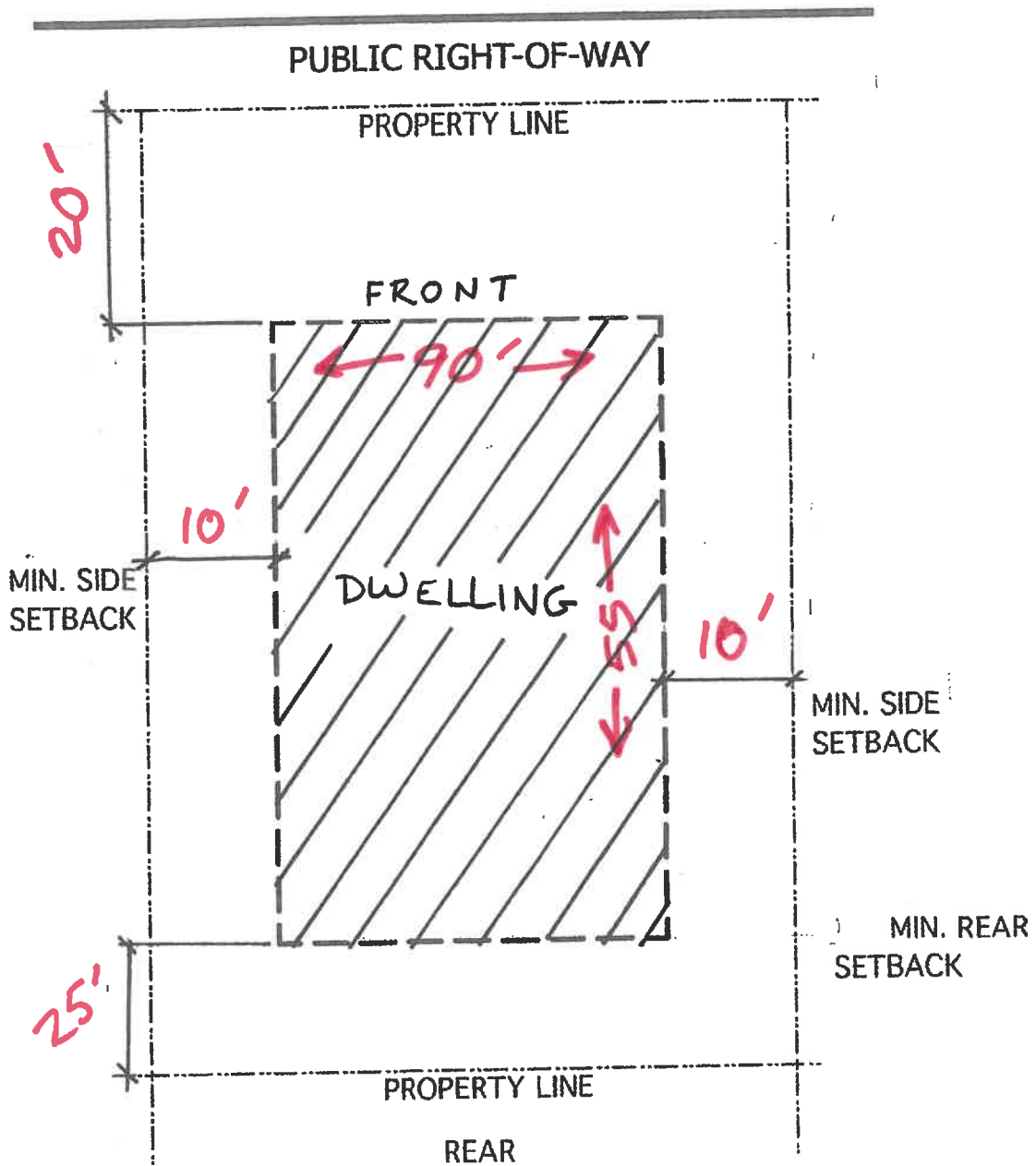
CHECKED BY:

PAGE:

4/10

FOUNDATION





OVERLAYE ZONE

IDO ZONE: R-A

~~REAR~~ NONE

SET BACK STANDARDS

FRONT 20\'

SIDE 10\'

REAR 25\'

062



**SUBDIVISION DATA**

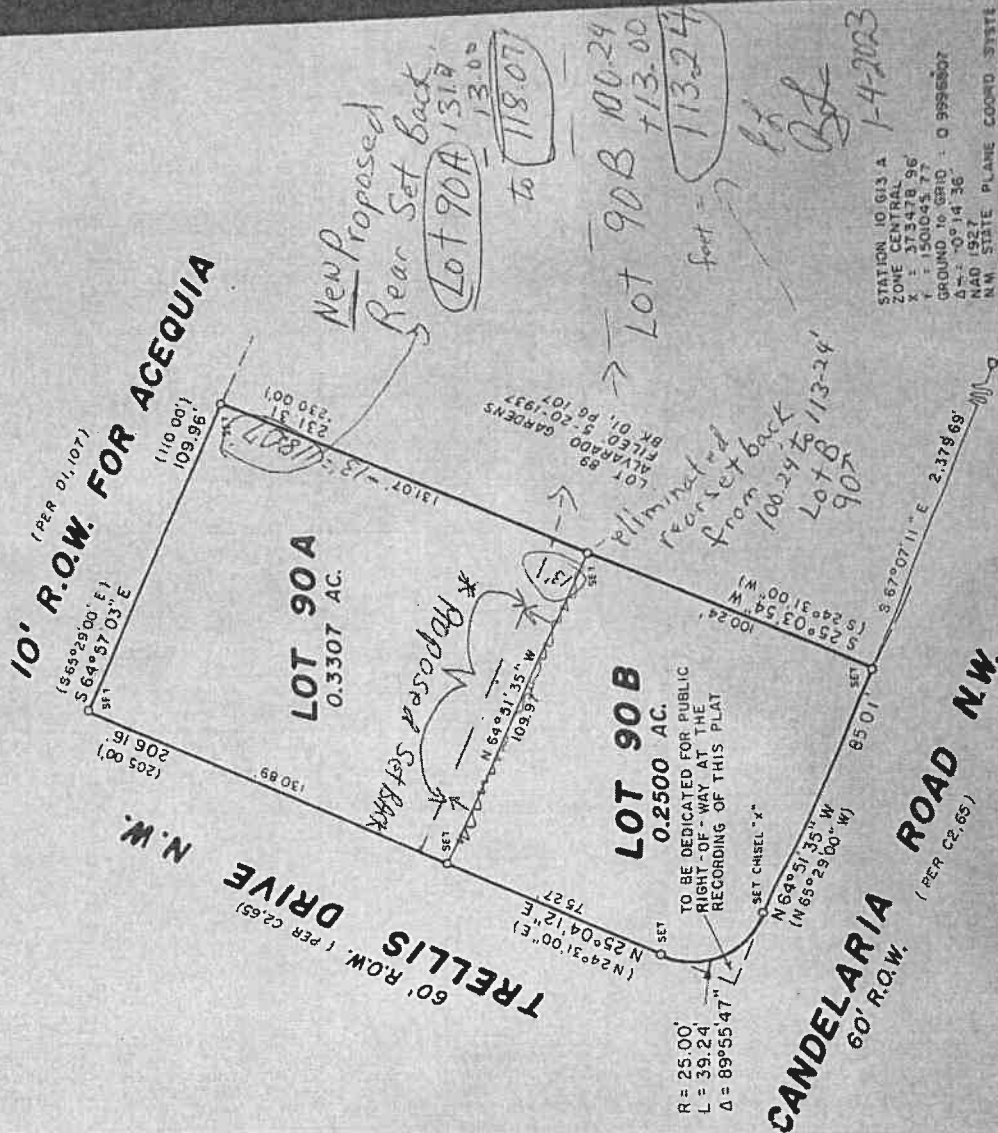
Case No. 21897-75  
 Zone Atlas Index No. 9-12-2  
 Gross Subdivision Acreage 0.5777  
 Total No. of Lots Created 2  
 Total Mileage of Full-Width Streets Created 0  
 Date of Survey April 1984

**DISCLOSURE STATEMENT** - The purpose of this plat is to create Two (2) new tracts from one (1) existing lot.

**GENERAL NOTES:**

- 1) Bearings based upon N.M. State Plane Grid, Central Zone.
- 2) Bearings in ( ) parenthesis per plat of record.
- 3) All easements of record are shown.
- 4) All corners identified as "set" are set with 1/2" rebar/cap stamped L.S. 6446.

063



THIS IS TO CERTIFY THAT TAXES ARE CURRENT AND PAID ON UPCL: 1-012-010-418-424-10601 PROPERTY OWNER OF RECORD: Ray Lona BERNALILLO COUNTY TREASURER'S OFFICE: Chue Dampas 5-7-91

**VARIANCE JUSTIFICATION LETTER - GENERAL**

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

RE: Request for Variance of expanding our Lot B setback  
yard 100.24' to 113', which reduces LOT 90 A side to 118.07'  
at \_\_\_\_\_ (address of the subject property). from 1/31/07

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

R-A Zoning Variance for backyard setback  
boundary will meet LOT 9B zoning requirements

2) The Variance will not be materially contrary to the public safety, health, or welfare **BECAUSE:**

It only affects setback boundary  
from 100.24' to 113'

3) The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity **BECAUSE:**

Both Lot 9D A & Lot B  
will be within setback standards - Attached

4) The Variance will not materially undermine the intent and purpose of this IDO or the applicable zone district **BECAUSE:**

it meets R-A zoning

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

It cost approx. \$3,000 to  
get a sketch plan, property change,  
I was advised by city planners to apply  
for a variance

Signature Emma Luna

Date 2-24-2023

3610 Trellis Dr. NW  
Albuquerque, NM 87107

1/30/2023 -2/17/2023

To Whom It May Concern;

I am submitting a Letter describing, explaining, and justifying the request for a Variance. A copy of our joint 1991 survey of both adjacent properties is attached.

1. Our Plat #, Zone Atlas map locations, etc., is attached.
2. Originally, we bought our plot as one 109.96' x 231.31'. In 1991 we the lot into created 2 new tracts from existing lot.
  - Lot 90 A side is 109.96' x 131.07' front facing Trellis road Lot B front facing Candelaria road is 109.96' x 100.24' (side)
3. We want to get a variance to expand Lot B rear set back (backyard) 100.24 to 113' (side on Trellis DR NW) See attached survey. 2.) Which will reduce Lot A front/side yard from 131.07 to 118.07 on Trellis DR. NW. Written in red ink.

We applied for a Demolition Permit for our old 2733 Candelaria house On 2/26/2023 because to build a new home on 2733 Candelaria (new site plan attached). In order to do that we need to extend the 2733 Candelaria Expand Lot B rear set back (backyard) 100.24 to 113' to meet 13' to the 25' rear property line which was checked by City Planning who provided IDO Zone Atlas and received my email with the site plan of the new house plans.

On 1/30/2023 I applied for a Plat sketch application because I was told by a clerk at the east City Planning office that variance and sketch plan was the same thing and he sent us to apply for a sketch plan. I went back to the office 3 times for assistance and asked if sketch plat and variance was the same. The answer was always yes its' the same, until my 4<sup>th</sup> visit yesterday when the new clerk asked the sketch plan director to speak to me. I'm grateful for his explanation that sketch plan and variance weren't the same. He sent me to the original east office on 2/16/2023, where we had originally stopped to ask for a variance application on 1/30/23.


Thus, I included the Hydrology, Water Utility Authority, DFT code enforcement comments, email notes I received on 2/16/2023 for the sketch replat in case these are needed to complete our Variance Application and could help with potential time to avoid duplication and to help expedite our variance process?

We lost a month trying to find our way through the variance procedure and would be grateful for your support and help expediting our variance application because they told us we couldn't apply for our building permit until the variance was completed in 3-4 months with an additional 3 months for building permit? Our daughter (a nurse) and her new born need this new home we'd like to build on 2733 Candelaria

Thank you for your understanding and support.

Sincerely,

Emma Luna

  
505-504-4188

DEVELOPMENT FACILITATIVE TEAM (DFT) - **HYDROLOGY SECTION**

Renée Brissette, PE, Senior Engineer | 505-924-3995 [rbrissette@cabq.gov](mailto:rbrissette@cabq.gov)

DRB Project Number: 2023-008197

Hearing Date: 02-15-2023

Project: 3610 Trellis Rd

Agenda Item No: \_\_\_\_\_

☒ Sketch Plat

☐ Site Plan for Bldg.  
Permit

**ENGINEERING COMMENTS:**

- Hydrology has no objection to the platting action.

☐ APPROVED  
☐ DENIED

DELEGATED TO: ☐ TRANS ☐ HYD ☐ WUA ☐ PRKS ☐ PLNG

Delegated For: \_\_\_\_\_

SIGNED: ☐ I.L. ☐ SPSP ☐ SPBP ☐ FINAL PLAT

DEFERRED TO \_\_\_\_\_



# Albuquerque Bernalillo County Water Utility Authority

## Development Facilitation Team (DFT) – Review Comments

---

Reviewer: David G. Gutierrez, P.E. | Phone: 505-289-3381 | [dggutierrez@abcwua.org](mailto:dggutierrez@abcwua.org)

---

DRB Project No: PR-2023-008197 Date: 2/15/2023 Agenda Item:NA Zone Atlas Page: G-12

Legal Description: Lot 90A and 90B, Replat of Alvarado Gardens

Location: 2733 Candelaria NW

### Application For: PS-2023-00039 Sketch Plat (DFT)

---

1. No objections to the proposed lot line adjustment.
  - a. Please ensure any existing services (water and sanitary sewer) are not being disturbed. Show confirmation of this prior to final plat signature.

**Comment:** (Provide written response explaining how comments were addressed)

## DEVELOPMENT FACILITATIVE TEAM (DFT) Code Enforcement Comments

*Disclaimer: Comments provided are based upon information received from applicant/agent. If new or revised information is submitted, additional comments may be provided by Planning staff.*

Jeff Palmer-Code Enforcement Supervisor  
Planning Department  
[jppalmer@cabq.gov](mailto:jppalmer@cabq.gov)

**DATE:** 2/15/2023

### **AGENDA ITEM NO: 3**

### **PROJECT NUMBER:**

**PR-2023-008197**

**PS-2023-00039 – SKETCH PLAT**

### **REQUEST:**

EXTEND LOT B REAR SETBACK

### **LOCATION:**

2733 CANDELARIA NW between CANDELARIA and 3610 TRELIS DR NW

### **COMMENTS:**

1. Property is zoned R-A, and is located in an Area of Consistency.
2. Proposed change meets dimensional standards for R-A zone, as per IDO 5-1(C), Table 5-1-1.
3. Contextual lot sizes do not apply as there is no new development occurring.
4. Code Enforcement has no further comments and no objections.





# CITY OF ALBUQUERQUE INVOICE

EMMA LUNA

3610 TRELIS DR NW

Reference NO: VA-2023-00060

Customer NO: CU-175445578

Date	Description	Amount
3/06/23	2% Technology Fee	\$4.20
3/06/23	Application Fee	\$100.00
3/06/23	Facilitated Meeting Fee	\$50.00
3/06/23	Posted Sign Fee	\$10.00
3/06/23	Published Notice Fee	\$50.00

Due Date: **3/06/23**

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:** 3/06/23

**Amount Due:** **\$214.20**

**Reference NO:** VA-2023-00060

**Payment Code:** 130

**Customer NO:** CU-175445578

EMMA LUNA  
3610 TRELIS DR NW  
ALBUQUERQUE, NM 87107



130 0000VA20230006000102546717699613600000000000002142CU175445578

City of Albuquerque ZHE – April 18, 2023

Agenda Item #11

VA-2023-00060

PR-2023-008334

**Emma & Roy Luna request a variance of 13 feet to the 25 foot rear setback in an R-A zone for Lot 90B, Alvarado Gardens Unit 3, located at 2733 Candelaria RD NW, zoned R-A [Section 14-16-5-1(C)]**

**Ownership:** Owner: LUNA ROY R & EMMA O

**Zone District/Purpose:** R-A/ The purpose of the R-A zone district is to provide for low-density, single-family residences and limited agricultural uses, generally on lots of ¼ acre or larger, as well as limited civic and institutional uses to serve the surrounding residential area.

**Allowable Use:** n/a

**Applicable Comp Plan Designation(s):** Area of Consistency

**Applicable Overlay Zones:** None listed

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

**Applicable Dimensional/Development Standards:**

Rear, minimum	25 ft. min
------------------	------------

**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

**March 31, 2023**

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

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

**Subject:** COMMENTS FOR THE ZHE HEARING OF April 17, 2023

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

---

**VA-2023-00060**

**PR-2023-008334**

**Address:** 2733 Candelaria RD NW

**Transportation Review:** No objections

After review of the provided application, Transportation has no objections to A Variance of 13 feet to the 25 feet rear setback in a R-A zone.



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

Emma & Roy Luna request a variance of 13 feet to the 25 foot rear setback in an R-A zone for Lot 90B, Alvarado Gardens Unit 3, located at 2733 Candelaria RD NW, zoned R-A [Section 14-16-5-1(C)]

Special Exception No: ..... **VA-2023-00060**  
Project No: ..... **Project#2023-008334**  
Hearing Date: ..... 04-18-23  
Closing of Public Record: ..... 04-18-23  
Date of Decision: ..... 05-03-23

On the 18<sup>th</sup> day of April, 2023, property owner Emma & Roy Luna (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 13 feet to the 25-foot rear setback in an R-A zone (“Application”) upon the real property located at 2733 Candelaria RD NW (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 13 feet to the 25-foot rear setback in an R-A zone.
2. The City of Albuquerque Integrated Development Ordinance, Section 14-16-6-6(O)(3)(a) (Variance-Review and Decision Criteria) reads: “... *an application for a Variance-ZHE shall be approved if it meets all of the following criteria:*
  - (1) *There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.*
  - (2) *The Variance will not be materially contrary to the public safety, health, or welfare.*
  - (3) *The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.*
  - (4) *The Variance will not materially undermine the intent and purpose of this IDO, the applicable zone district, or any applicable Overlay Zone.*
  - (5) *The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.*”
3. 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. 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 at the ZHE hearing on this matter and gave evidence in support of the Application.

6. Applicant established that the proper "Notice of Hearing" signage was posted for the required time period.
7. Applicant established that all property owners and neighborhood association entitled to notice were notified of the Application.
8. Applicant has authority to pursue this Application.
9. The City Traffic Engineer submitted a report stating no objection to the Application.
10. The subject property is currently zoned R-A.
11. Based on evidence submitted by or on behalf of Applicant, it appears that there are special circumstances applicable to the Subject Property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid, as required by Section 14-16-6-6(O)(3)(a)(1). Specifically, Applicant confirmed in oral testimony and submitted evidence that, the Subject Property's location and articulation as the only corner lot subdivided by the pertinent historic pre-IDO platting, create special circumstances. These special circumstances create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the Subject Property, because compliance with the minimum standards would not allow for the reasonably proposed use, which otherwise would be in compliance with the IDO.
12. Based on evidence submitted by or on behalf of Applicant, the variance will not be contrary to the public safety, health and welfare of the community as required by Section 14-16-6-6(O)(3)(a)(2). Specifically, evidence was submitted supporting that, if granted approval, the Applicant intends to construct the proposed project in a manner that is consistent with the IDO and the Development Process Manual (DPM). The Neighborhood Association raised concerns regarding the procedural posture of this variance, because this variance essentially would be superseded if the Applicant's planned future replat of the Subject Property is approved. However, the Applicant must still satisfy all variance criteria, as well as all other applicable IDO and other City criteria.
13. Based on evidence submitted by or on behalf of Applicant, the variance will not cause significant adverse material impacts on surrounding properties or infrastructure improvements in the vicinity as required by Section 14-16-6-6(O)(3)(a)(3). Specifically, the proposal is designed to be in harmony and consistency with what currently exists in the neighborhood, including rights of way and infrastructure.
14. Based on evidence submitted by or on behalf of Applicant, the variance will not materially undermine the intent and purpose of the IDO or applicable zone district as required by Section 14-16-6-6(O)(3)(a)(4). Specifically, Applicant confirmed in written submittals that the intent of IDO will still be met in that the subject site will be in harmony with existing uses and the proposed variance would merely add to the safety and useability of the site.
15. Based on evidence submitted by or on behalf of Applicant, the variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties as required by Section 14-16-6-6(O)(3)(a)(5). Specifically, Applicant submitted evidence that any smaller variance would be ineffective to provide for the useability of the site. Thus, the applicant is not requesting more than what is minimally necessary for a variance.
16. The requirements of IDO Section 14-16-6-6(O)(3)(a) are satisfied.

DECISION:

APPROVAL of a variance of 13 feet to the 25-foot rear setback in an R-A zone.

APPEAL:

If you wish to appeal this decision, you must do so by May 18, 2023 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  
Emma & Roy Luna, [eobsmileyface@yahoo.com](mailto:eobsmileyface@yahoo.com), [rl8651@yahoo.com](mailto:rl8651@yahoo.com)





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

**MINUTES**

**April 18, 2023**

**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-Flores – Hearing Monitor**

VA-2023-00060  
PR-2023-008334  
Emma & Ray Luna  
2733 Candelaria RD NW Appeal

ZHE: Next is agenda item 11. And that is VA-2023-00060, project number PR-2023-008334; Emma and Roy Luna request a variance of 13 feet to the 25-foot rear setback in an R-A zone for Lot 90B, Alvarado Gardens Unit 3, located at 2733 Candelaria Road Northwest, which is zoned R-A. Do we have Emma or Roy Luna?

E. LUNA: Yes.

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

E. LUNA: Emma Luna, 3610 Trellis Drive, Road Northwest, Albuquerque, New Mexico, 87107.

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

E. LUNA: Yes.

ZHE: Thank you. Would you please summarize the variance request?

E. LUNA: Yes, we wanted - - we asked for a variance to setback 13 feet to the 25 rear, to meet the 25-rear standard ruling for the - -

ZHE: Let's see, bear with me one second. I'm just, I'm trying to find the justification and refresh my memory here. Oh, here it is. Good. Okay, so, essentially, it's sorta, you have to - - it's either comply with the front or the back and you decided you know, we're going to comply with the front and seek the variance on the rear, is that right?

E. LUNA: Yeah, we're just, we're just adding the 13 feet to complete the 25 rear.

ZHE: Okay, and tell me about the property itself. What is - - What's special circumstances exist? Is there a unique shape, topography, location, surroundings, physical characteristics, pre-existing improvements? What is it that requires the variance?

E. LUNA: It's a corner lot on Candelaria and Trellis. So, in 1991 we asked to subdivide the lot and we built our, a home on the back lot. And at the time, they told us that where we wanted to subdivide that we are not gonna meet the building codes if we ever decide to build. Well, at that time, we didn't think about that. So, you know, it came back to haunt us and our architect suggested that we ask for a variance versus doing a replot. And so, we went to the City and they said - - I said, we're not sure what we're asking but our architect said to get a variance to change a boundary to make sure we have the rear back. So, what's the difference between a variance and a replot? And, they said it was the same thing. So, so then they helped me. They checked, they double checked to make sure that the request would meet the standards and they did. And so then, we showed them the new site plan and then I applied for that and then when I went back to the City, because I wasn't sure what the process was. I asked four different people what the difference was and they all told me it was the same. And then, Robert - - And then, they hired new people and the whole process, you know, started up real fast and they were real helpful. And then, Robert came and talked to me and told me that there was a difference and so, I started the variance and the replot at the same time after they told me that there was a difference. So, they were both going on simultaneously and it cost \$214 dollars to get a variance and it

VA-2023-00060  
PR-2023-008334  
Emma & Ray Luna  
2733 Candelaria RD NW Appeal

cost \$4,000 or \$5,000 of estimates that I got from two different surveyors to do a replot. And, they said we could not submit our City plan for the new house until the variance was okayed or until we got the replot.

ZHE: I see.

E. LUNA: So, there's where we're at.

ZHE: So, when you say that Robert spoke with you, that wasn't me. Who was the Robert?

E. LUNA: It must have been another Robert because he was a little - - You're younger than him, so.

ZHE: Okay, good. I just want to make sure it's on the record that there was no ex-parte communication between you and me.

E. LUNA: Oh no, no.

ZHE: Very good. Okay. Thank you for that explanation. I do see the justification letter as well as another letter setting forth sorta, what you just summarized. So, thank you for submitting those.

E. LUNA: Now see, there's - - The length of our lot is like probably 2 or 3 City lots and we're the only corner lot that is subdivided. Now, there is another house across on Trellis and Candelaria who was formerly owned by Paul Wartzman, a colleague of ours that was a teacher with us at the same school and there - - he sold it but I, we don't know if he or the new owners have subdivided their lot because they're listing their property, their back property, for sale.

ZHE: I see. Okay. All right, well thank you for this additional information. Is there anything else that you would like to add before we call for public comment?

E. LUNA: Yes, we, we are asking for a temporary variance so that we can submit - - we're gonna - - we demolished the garage and we're demolishing the house as soon as our renter moves out, in the first part of May. And so, the variance would only be temporary until our surveyors can come down. We found another surveyor, besides those other expensive ones but, he had to go in for emergency surgery and he's still under doctor's care. So, by the time we build a fence, you know, we will have the replot. So - - Right - - That's gonna be a while and we don't want to be building the house in the winter. We want to start building the house and, you know, we gotta - - So, we would like a temporary variance if that's possible to - - I know the neighborhood association was saying they didn't want to give a variance but if it's a temporary one, I think that's a good compromise for us. So, if we can at least - - And, you know, submit our City plans and that'll take some time, and then we can start building the house and then we'll have, hopefully that replot done before the house is done and before we do the back fence. And, we're gonna probably do the replot at 26 rear to allow for the fencing and so there's more margin of error.

ZHE: Okay. Very good. Thank you for that explanation. I do see the letter from the neighborhood association so, thank you for addressing that. All right. Anything else before we call for public comment?

E. Luna: That's it. I think.

VA-2023-00060  
PR-2023-008334  
Emma & Ray Luna  
2733 Candelaria RD NW Appeal

ZHE: Okay, well let's see if there's any public comment and then of course, you'll get the chance to respond if there is. So, for everyone in attendance, we're hearing agenda item 11 and it's a request for a variance for a rear setback at 2733 Candelaria NW. Please raise your hand if you'd like to speak on that item. I'm scrolling through the participant list and I don't see anyone indicating they'd like to speak. Again, please raise your hand if you'd like to provide public comment on agenda item 11. Last call for public comment on agenda item 11. Okay, Mrs. Luna, it doesn't appear that there's any public comment. Is there anything you'd like to add in closing?

E. LUNA: Yes. I was looking at the new site plan and it reads that what we have right now is, 11.8, 11.32 32 inches, that is what we have, and then we asked for a 13-foot variance. And, when I asked the people at the City if that would qualify the 25 rear. But, when I added it, it's actually 24.8 so, I was wondering if we could change that variance setback to 13.2 just to make sure that it's 25.

ZHE: Okay. So, you'd like to revise the request to be a variance of 13.2 feet?

E. LUNA: Yes, please.

ZHE: Okay. I will note that. Thank you. All right, anything else Mrs. Luna?

E. LUNA: That's it. Thank you for your time.

ZHE: Yes, ma'am. Thank you for your testimony and your submittals. I'll take everything under consideration and issue the written decision in 15 days.

E. LUNA: Will we get that via email or via USA mail?

ZHE: If you have been submitting things by email to Suzie, you'll get it by email.

E. LUNA: Okay, well, Suzie has been real good keeping communication. So, thank you guys.

ZHE: Thank you. Have a good day.

E. LUNA: Uh huh, bye bye.

ZHE: Bye. That concludes agenda item 11.

***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

May 24, 2023

### TO WHOM IT MAY CONCERN:

The Planning Department received an appeal on May 24, 2023. 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 Mandi Hinojos, Clerk to the Council, (505) 768-3100.

**CITY COUNCIL APPEAL NUMBER: AC-23-11**  
**PLANNING DEPARTMENT CASE FILE NUMBER:**  
**PR-2023-008334–VA-2023-00060-VA-2023-00131**

**AGENT: Diana Hunt**  
**Alvarado Gardens Neighborhood Association**  
**2820 Candelaria Rd. NW**  
**Albuquerque NM, 87107**

cc: Mandi Hinojos, City Council, City county bldg. 9<sup>th</sup> floor  
Kevin Morrow/Legal Department, City Hall, 4<sup>th</sup> Floor-  
Diana Hunt, AGNA Board President [president@alvaradoneighborhood.com](mailto:president@alvaradoneighborhood.com)  
Emma Luna, [eobsmileface@yahoo.com](mailto:eobsmileface@yahoo.com)  
Roy Luna, [rl8651@yahoo.com](mailto:rl8651@yahoo.com)  
ZHE File



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

TUESDAY, April 18, 2023 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*

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

\*\*\*\*\*  
**PLEASE ADDRESS ALL CORRESPONDENCE TO:**

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

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

**INTERPRETER NEEDED:**

- |    |               |          |   |
|----|---------------|----------|---|
| 1. | VA-2023-00028 | Project# | Roberta Lira (Agent, Jesus Lira) requests a permit carport for Lot 8, Block |
|    |               | PR-2023- | 14, Baron Burg Heights Mendelsbergs, located at 629 Cardenas DR SE,         |
|    |               | 008187   | zoned R-1B [Section 14-16-5-5(F)(2)(a)(3)(b)]                               |

- |    |               |                            |  |
|----|---------------|----------------------------|--|
| 2. | VA-2023-00075 | Project#<br>PR-2023-008384 | Ana Vazquez requests a variance of 3 feet to the allowed 3 foot wall height in front yard of Lot 32B, Torres Addn, located at 5801 Central NW, zoned MX-M [Section 14-16-5-7(D)]                                   |
| 3. | VA-2023-00066 | Project#<br>PR-2023-008350 | Jennifer Alfaro Cuna requests a permit–wall–major in the front yard for Lot 2, Block 3, Crestview Addn, located at 208 53 <sup>RD</sup> ST SW, zoned R-1B [Section 14-16-5-7(D)(3)(a)2]                            |
| 4. | VA-2023-00067 | Project#<br>PR-2023-008350 | Jennifer Alfaro Cuna requests a variance of 3 feet to allowed 3 foot wall height in the front yard for Lot 2, Block 3, Crestview Addn, located at 208 53 <sup>RD</sup> ST SW, zoned R-1B [Section 14-16-5-7(D)(1)] |

### OLD BUSINESS:

- |    |               |                            |   |
|----|---------------|----------------------------|---|
| 5. | VA-2023-00029 | Project#<br>PR-2023-008188 | Kim Corcoran (Agent, Sumi Adams) requests a conditional use to allow for a family home daycare up to 12 children for Lot 15, Block 8, Santa Fe Addn, located at 905 Pacific AVE SW, zoned R-1A [Section 14-16-4-2]                        |
| 6. | VA-2023-00038 | Project#<br>PR-2022-006500 | Carlos Zamora requests a variance of 40 ft to the required 45 ft open space buffer as indicated on the final plat for Lot 17A, Block 7, Volcano Cliffs Unit 5, located at 8001 Shiprock CT NW, zoned R-1D [Section 14-16-5-2(J)(2)(a)(1)] |
| 7. | VA-2023-00049 | Project#<br>PR-2023-008210 | 3417 Central LLC (Agent, Chris Lee) requests a conditional use to allow for on-site cannabis consumption for Lot 11, Block 5, Monte Vista Addn, located at 3417 Central Ave NE, zoned MX-M [Section 14-16-4-2]                            |

### NEW BUSINESS:

- |     |               |                            |   |
|-----|---------------|----------------------------|---|
| 8.  | VA-2022-00143 | Project#<br>PR-2022-007111 | Natalie Gallegos requests a permit wall major in the front yard for Lot 2, Block 24, Jade Park Mobile Home Unit 13, located at 6504 Kelly Ave NE, zoned PD [Section 14-16-5-7(D)(3)(a)2]  |
| 9.  | VA-2023-00058 | Project#<br>PR-2023-008332 | Joel Gay and Mary Beaumont request a conditional use to allow an accessory dwelling unit without a kitchen for Lot 106C4, MRGCD Map 31, located at 2545 Elfego RD NW, zoned R-A [Section 14-16-4-2]   |
| 10. | VA-2023-00059 | Project#<br>PR-2023-008333 | Jacob Brundige (Agent, Sunrise Pools and Custom Concrete) requests a variance of 2 feet to allow a pool closer than 5 feet from any building or lot line for Lot 7-P1, Block 21, La Joya Del Norte, located at 808 Calle Divina NE, zoned R-1C [Section 14-16-5-1(G)] |
| 11. | VA-2023-00060 | Project#<br>PR-2023-008334 | Emma & Roy Luna request a variance of 13 feet to the 25 foot rear setback in an R-A zone for Lot 90B, Alvarado Gardens Unit 3, located at 2733 Candelaria RD NW, zoned R-A [Section 14-16-5-1(C)]   |



- |     |               |                            |  |
|-----|---------------|----------------------------|--|
| 12. | VA-2023-00061 | Project#<br>PR-2023-008335 | Armando Rodriguez Galindo & Cecilia Celis Rodriguez (Agent, Cartesian Survey's, Inc) request a variance of 3.2 feet to the required 10 feet corner side yard setback for Lots 1, 2, 3, Block 3, Apache Trail Addn, located at 2401 6 <sup>TH</sup> ST NW, zoned R-1A [Section 14-16-5-1(C)(1)] |
| 13. | VA-2023-00062 | Project#<br>PR-2023-008335 | Armando Rodriguez Galindo & Cecilia Celis Rodriguez (Agent, Cartesian Survey's, Inc) request a variance of 1.9 feet to the required 10 feet rear yard setback for Lots 1, 2, 3, Block 3, Apache Trail Addn, located at 2401 6 <sup>TH</sup> ST NW, zoned R-1A [Section 14-16-5-1(C)(1)]        |
| 14. | VA-2023-00063 | Project#<br>PR-2021-005382 | Art Gardenswartz (Agent, Kevin Roady) requests a variance of 5 feet to the 3 foot wall height in the front yard for Lot 4C1, Horne Development Addn, located at 45 Hotel CIR NE, zoned MX-M [Section 14-16-5-7(D)(1)]  |
| 15. | VA-2023-00065 | Project#<br>PR-2023-008337 | Dickinson Family, LLC (Agent, Chris Lee) requests a conditional use to allow cannabis consumption on site for Lot 1J, Block 24, Snow Heights, located at 1812 Eubank BLVD NE, zoned MX-L [Section 14-16-4-3(D)(35)(i)]   |
| 16. | VA-2023-00068 | Project#<br>PR-2023-008351 | Miranda Haley (Agent, Valley Fence Company) requests a permit–wall–major in the front yard for Lot 8, Block 10, Ridgecrest Addn, located at 1212 Truman ST SE, zoned R-1B [Section 14-16-5-7(D)(3)(a)2]  |
| 17. | VA-2023-00069 | Project#<br>PR-2023-008351 | Miranda Haley (Agent, Valley Fence Company) requests a variance of 3 feet to the allowed 3 foot wall height in the front yard for Lot 8, Block 10, Ridgecrest Addn, located at 1212 Truman ST SE, zoned R-1B [Section 14-16-5-7(D)(1)]   |
| 18. | VA-2023-00070 | Project#<br>PR-2023-008352 | Viola Cano requests a permit–wall–major in the front yard for Lot F3, St. Anthony Orphanage, located at 1600 Indian School RD NW, zoned R-MH [Section 14-16-5-7(D)(3)(a)(2)]   |
| 19. | VA-2023-00071 | Project#<br>PR-2023-008352 | Viola Cano requests a variance of 2 feet 6 inches to the allowed 3 foot wall height in the front yard for Lot F3, St. Anthony Orphanage, located at 1600 Indian School RD NW, zoned R-MH [Section 14-16-5-7(D)(1)]   |
| 20. | VA-2023-00072 | Project#<br>PR-2023-008365 | Hedy Pajonk requests a permit – wall – major in the front yard for Lot 9, Block 1, Stronghurst Addn, located at 2901 Commercial ST NE, zoned R-1D [Section 14-16-5-7(D)(3)(a)(2)]  |
| 21. | VA-2023-00073 | Project#<br>PR-2023-008365 | Hedy Pajonk requests a permit – wall – major in the front yard for Lot 10, Block 1, Stronghurst Addn, located at 2901 Commercial ST NE, zoned R-1D [Section 14-16-5-7(D)(3)(a)(2)]   |
| 22. | VA-2023-00074 | Project#<br>PR-2022-007743 | Elias Garcia & Sara Garcia (Agent, Rebecca Martinez) requests a variance of 5 feet to the required 10 foot side yard setback for Lot 58, MRGCD Map 31, located at 1619 Griegos RD NW, zoned R-A [Section 14-16-5-1(C)]   |