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CITY OF ALBUQUERQUE

Albuquerque, New Mexico

Planning Department

Mayor Timothy M. Keller

INTER-OFFICE MEMORANDUM

March 22, 2024

TO: Dan Lewis, President, City Council

FROM: Alan Varela, Planning Director 

SUBJECT: AC-24-7, PR-2023-009519, VA-2023-00324: Richard Glantz appeals the Zoning Hearing Examiner's decision to Approve a Permit – Carport for the property located at 2444 Iris Rd NW.

OVERVIEW

On December 19, 2023, property owner Jacqueline Arguelles appeared before the Zoning Hearing Examiner (“ZHE”) requesting a Permit – Carport for the property located at 2444 Iris RD NW.

The ZHE approved the Applicant's request in a written decision dated January 3, 2024.

The Appellant timely filed an appeal of the ZHE's decision prior to the appeal deadline of January 18, 2024. The Appellant has standing as an adjacent property owner within 100 feet and by making an appearance of record at the December 19, 2023 ZHE hearing.

BASIS FOR APPEAL

IDO §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, with bulleted, italicized responses from the Planner for the ZHE.

“In appealing the decision of the Hearing Officer, sections of the IDO used for his determination were based on either insufficient or incorrect information and thus were not interpreted or applied correctly.”

- *§14-16-6-4(E)(3) The applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence.*
- *§14-16-6-4(E)(4) The applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary.*
- *Finding #7: Applicant has met its burden of providing evidence that establishes that the proposed carport would strengthen or reinforce the architectural character of the surrounding area. Applicant testified that the design of the carport comports with that of the residence on site and is in harmony with architecture of neighboring properties.*
- *Finding #8: Applicant has met its burden of providing evidence that establishes that the proposed carport would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community. Applicant testified that the carport would not significantly impact views from adjacent properties given that the neighbor’s wall already obstructs their views, and that no water from the carport would flow onto adjacent properties.*

“... improper notice which potentially impacts due process.” And, “Hearing Officer’s Finding #4 was not applied correctly.”

- *§14-16-6-4(K)(7)(a) In any case where an applicant is required to provide mailed, posted, or electronic notice, the applicant shall be required to submit evidence that timely notice has been made, including the dates on which notice was provided, a copy of the text of the notice provided, and a list of those addresses and e-mail addresses to which mailed and electronic notice has been sent.*
- *The ZHE received written and oral testimony that the applicant gave proper notice. (See record attached.)*
- *Finding #4: All property owners within 100 feet and affected neighborhood associations were notified of the application.*

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



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

Jacqueline Arguelles requests a permit carport for Lot 13, Rancho Alegre, located at 2444 Iris RD NW, zoned R-A [Section 14-16-5-5(F)(2)(a)(3)]

Special Exception No: **VA-2023-00324**
Project No: **Project#2023-009519**
Hearing Date: 12-19-23
Closing of Public Record: 12-19-23
Date of Decision: 01-03-24

On the 19th day of December, 2023, property owner Jacqueline Arguelles (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a permit carport (“Application”) upon the real property located at 2444 Iris RD NW (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting permit-carport.
2. The City of Albuquerque Integrated Development Ordinance Section 14-16-6-6(G)(3) states: the criteria for a permit-carport:
 - a. *The proposed carport would strengthen or reinforce the architectural character of the surrounding area.*
 - b. *The proposed carport would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community.*
 - c. *The design of the carport complies with the provisions in Subsection 14-16-5-5(F)(2)(a)3 (Carports).*
 - d. *No carport wall is a hazard to traffic visibility, as determined by the Traffic Engineer.*
 - e. *The carport is not taller than the primary building on the lot.*
3. The Applicant bears the burden of ensuring there is evidence in the record supporting a finding that the above criteria are met under Section 14-16-6-4(N)(1).
4. All property owners within 100 feet and affected neighborhood associations were notified of the application.
5. The subject property is currently zoned R-A.
6. Agent appeared and gave evidence in support of the application.
7. Applicant has met its burden of providing evidence that establishes that the proposed carport would strengthen or reinforce the architectural character of the surrounding area. Applicant testified that the design of the carport comports with that of the residence on site and is in harmony with architecture of neighboring properties.
8. Applicant has met its burden of providing evidence that establishes that the proposed carport would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community. Applicant testified that the carport would not significantly impact views from adjacent properties given that the neighbor’s wall already obstructs their views, and that no

- water from the carport would flow onto adjacent properties.
9. Applicant has met its burden of providing evidence that establishes that the proposed carport complies with IDO Subsection 14-16-5-5(F)(2)(a)(2)(a) (Carports).
 10. The City Traffic Engineer issued a report indicating no objection to the proposed carport.
 11. Applicant has met its burden of providing evidence that establishes that the proposed carport is not taller than the primary building on the lot. Applicant testified that the top of the carport would be lower than the primary residence on the lot.

DECISION:

APPROVAL of a permit-carport.

APPEAL:

If you wish to appeal this decision, you must do so by January 18, 2024 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
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CITY OF ALBUQUERQUE
OFFICE OF ADMINISTRATIVE HEARINGS
ZONING HEARING EXAMINER
NOTIFICATION OF DECISION

Jacqueline Arguelles requests a variance of 2 ft and 4 inches to the required 3 ft setback to a lot line for a carport for Lot 13, Rancho Alegre, located at 2444 Iris RD NW, zoned R-A [Section 14-16-5-5(F)(2)(3)(c)]

Special Exception No: **VA-2023-00325**
Project No: **Project#2023-009519**
Hearing Date: 12-19-23
Closing of Public Record: 12-19-23
Date of Decision: 01-03-24

On the 19th day of December, 2023, property owner Jacqueline Arguelles (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 2 ft and 4 inches to the required 3 ft setback to a lot line for a carport (“Application”) upon the real property located at 2444 Iris RD NW (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 2 ft and 4 inches to the required 3 ft setback to a lot line for a carport.
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. The applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO Section 14-16-6-4(E)(3).
4. The applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO Section 14-16-6-4(E)(4).

5. The subject property is currently zoned R-A.
6. Based on evidence submitted in the record, on balance, it appears that there are no special circumstances applicable to the Subject Property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid, as required by Section 14-16-6-6(O)(3)(a)(1). Applicant's written justification states only that similar setbacks exist in the neighborhood, and this does not constitute a special circumstance applicable to the Subject Property. Applicant testified that the property is located on a cul de sac and therefore has a rounded boundary line that abounds the cul de sac. However, other properties in the vicinity and same zone district are similarly situated, and the location on a cul de sac therefore does not constitute a special circumstance. The Application must be denied, because no special circumstance exists.
7. Because all prongs of the variance test must be satisfied and, as stated above, the Application failed to satisfy the above-stated prongs of the test, the Application must be denied.
8. Out of considerations of administrative and quasi-judicial economy, the ZHE will not summarize any analysis of the remaining prongs of the test in this Notification of Decision.
9. Nevertheless, Applicant's companion application for a carport permit, VA-2023-00324, Project#2023-009519, has been approved by the ZHE, and Applicants may construct a carport compliant with that notification of decision and all other IDO requirements, including without limitation all required setbacks.

DECISION:

DENIAL of a variance of 2 ft and 4 inches to the required 3 ft setback to a lot line for a carport.

APPEAL:

If you wish to appeal this decision, you must do so by January 18, 2024 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

ZHE File

Zoning Enforcement

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

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

APPLICATION INFORMATION

Applicant: <u>RICHARD GLANTZ</u>		Phone: <u>505-717-2663</u>
Address: <u>2512 DON PEDRO N.W.</u>		Email: <u>rgredneck@comcast.net</u>
City: <u>ALBUQUERQUE</u>	State: <u>N.M.</u>	Zip: <u>87104</u>
Professional/Agent (if any):		Phone:
Address:		Email:
City:	State:	Zip:
Proprietary Interest in Site:	List all owners:	

BRIEF DESCRIPTION OF REQUEST

APPEAL OF CARPORT PROJECT # 2023-009519
VA-2023-00324

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

Lot or Tract No.: <u>13</u>	Block:	Unit:
Subdivision/Addition: <u>RANCHO ALLEGRE</u>	MRGCD Map No.:	UPC Code:
Zone Atlas Page(s):	Existing Zoning: <u>RA</u>	Proposed Zoning:
# of Existing Lots:	# of Proposed Lots:	Total Area of Site (acres):

LOCATION OF PROPERTY BY STREETS

Site Address/Street: 2444 IRIS RD N.W. Between: and:

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

APPEAL OF CARPORT

Signature: <u>R.E. Glantz</u>	Date: <u>1/17/2024</u>
Printed Name: <u>RICHARD GLANTZ</u>	<input checked="" type="checkbox"/> Applicant or <input type="checkbox"/> Agent

FOR OFFICIAL USE ONLY

Case Numbers	Action	Fees	Case Numbers	Action	Fees

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

FORM A: Appeals

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

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

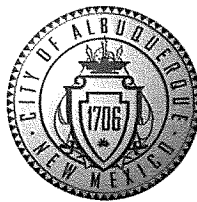
___ Interpreter Needed for Hearing? ___ if yes, indicate language: _____

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

- Project number of the case being appealed, if applicable: #2023-009619
- Application number of the case being appealed, if applicable: VA-2023-00324
- Type of decision being appealed: APPROVAL OF A PERMIT-CARPORIT

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

- Appellant's basis of standing in accordance with IDO Section 14-16-6-4(V)(2)
- Reason for the appeal identifying the section of the IDO, other City regulation, or condition attached to a decision that has not been interpreted or applied correctly, and further addressing the criteria in IDO Section 14-16-6-4(V)(4)
- Copy of the Official Notice of Decision regarding the matter being appealed

<i>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.</i>		
Signature: <u><i>R. Glantz</i></u> <u>Nancy Glantz</u>	Date: <u>1/17/2024</u>	
Printed Name: <u>RICHARD GLANTZ</u> <u>NANCY GLANTZ</u>	<input type="checkbox"/> Applicant or <input type="checkbox"/> Agent	
FOR OFFICIAL USE ONLY		
Case Numbers:	Project Number:	
Staff Signature:		
Date:		

Richard Glantz 2512 ⁰⁰⁹ Don Pedro NW rgredneck
 Albug NM 87104 @comcast.net

Revised 12/2/20

Appeal to Findings of Special Exemption No. VA- 2023-00324

Richard and Nancy Glantz [“we/our”], owners of the property located at 2512 Don Pedro NW, hereby file an appeal to the findings and decision with regard to the permit carport sought by Jacqueline Arguelles [Applicant] for the property located at 2444 Iris Rd NW.

Pursuant to Section 14-16--6-4[V][2] of the IDO, we submit evidence of standing to file an appeal as follows:

1. The property at 2512 Don Pedro NW is within 100 ft from Applicant's property, according to [Table 6-4-2], and our standing is based on proximity to the subject’s property for a permit carport.
2. Despite not receiving notice, we appeared at the December 19, 2023 Hearing. We had actual notice as a result of driving by Applicant’s property.
3. We submitted written comments timely as specified in the Hearing Findings.
4. We offered verbal comments at the Hearing.

For reference and perspective:

The property at 2512 Don Pedro NW is adjacent to Ms Arguelles' property, located east of our wall for the entire length of the eastern lot line. Ms Arguelles's house sits north-south on her property, while our house sits east-west, so our east back patio is located along the shared property line. Our house is not free-standing as we share a wall with our north neighbor, resulting in our east view as a focal point. We built a cinder block wall in 2008 along the east property line with a permit, replacing an aged, 6ft wood fence. From the southeast corner going north, approximately 29 ft of the wall is 8 ft tall, 2ft [aesthetic step-down] of the wall is 7ft tall, and the 6 ft portion is 6ft 11 inches long. This notched-out area of 6 ft. was designed intentionally for the ONLY open, unobstructed view of the Sandia Mountains and nature in general. Applicant had no objection to the wall, as it was an upgrade from the fence. Its addition enhanced both property values. Applicant bore no cost for the wall's construction, except for the optional cost of stucco on her side. When we regretfully had to cut down our ash tree in the backyard, we asked Applicant for access to facilitate the job, and as a thank you, gave Applicant wood from the tree.

On July 24, 2023, Applicant and her licensed contractor began the initial construction of two[2] carports, one in front of her property [subject carport] and one in the rear. The front carport is known not to have had a permit to build. A total of six metal carport supporting poles were installed via jackhammer and cement. Two are 6 inches from our property line, and one is 6 inches from our neighbor's fence, even though we asked Applicant to temporarily halt before the poles were installed. Applicant was invited into our home to see all east views from our living room, computer room, and patio. If Applicant wasn't aware of our view, Applicant was shown that day.

Applicant's rear property carport was completed on July 25. Concerned the front carport completion would follow, we contacted Zoning.

City inspector Mark Trujillo visited on July 26. He confirmed that the Applicant needed a permit for her 20x32 ft. incomplete carport; the 3ft setback per requirement for carports and our neighbor's fence next to our wall had not been complied with. He observed from the installed base poles [10ft high] next to our

wall that there would be a line of sight issue with our view.

Enforcement Officer Diego Gonzales and Mr. Trujillo returned to our property at the behest of the Applicant to inquire about our wall/pergola permits. Permits for both were found.

The applicant's rear property carport was totally dismantled in September due to non-adherence to the required 3ft. setback for carports and was rebuilt. Applicant had one property owner complain about the placement of the carport, but a neighbor of ours also complained.

On or about August 2, Applicant was sent a notice of violation from Enforcement for the front carport and given 30 days to respond.

On or about Sept 13, Enforcement said that a second, stronger warning letter to Applicant would go out in two weeks, and if unanswered like the first, Enforcement would pursue criminal charges and require the structure be removed.

On or about Oct 5, Enforcement said Applicant would receive a violations/fine letter, and a pre-criminal summons could occur at the end of October.

On or about Nov 22, Enforcement said a pre-criminal summons had been sent to Applicant on Nov 3.

On Dec 12, by the Grace of God, we saw a sign in Applicant's front yard, drove over, and took a photo of the special exemption public notice sign with its pertinent information. We discovered we only had 24 hours to submit something to be on record, which was hurriedly completed and submitted before 5 pm on Dec 13. We discovered we were supposed to have been notified in writing by Applicant 15 days prior to a Hearing on Dec 19. We were not notified.

We received Applicant's twenty-one [21] property owners list [minus three belonging to "Arguelles" listed at Applicant's address] from Suzanne Sanchez and called four of the neighbors on the list, who stated they too, had not been notified. Several emailed ZHE about the lack of notification. There are now eleven [11] property owners on the Applicant's list of 21 who did not receive the required written notification [enclosure1&2].

Diego Gonzales from Enforcement was also called on Dec 12 after discovering the public notice sign. He informed us that Applicant had applied for a variance on Nov 8.

Appellant's Arguments

In appealing the decision of the Hearing Officer, sections of the IDO used for his determination were based on either insufficient or incorrect information and thus were not interpreted or applied correctly.

IDO 14-16-6[G][3][b] stipulates that the proposed carport not be injurious to adjacent properties, the surrounding neighborhood, or the larger community.

1. The proposed carport will be ten ft. high with a 10-inch purlin, and 10-inch overhang. It would block and obstruct our east view of the Sandia mountains; its current placement is parallel to the corner of Applicant's house, extending north past our property line by 2-3 ft. The carport's placement will be in the ONLY view east that is available to us. As "view" is a listed criterion on home appraisals, one's view is not a

frivolous concern. Besides its monetary value, views are aesthetic and promote well-being. Consequently, this open view loss would plummet our home value, and resale potential would be negatively impacted. ANY carport in that location would do that, but especially one 10ft. high when carports can be 7- 8ft. A standard garage door opening is 7 ft high. Applicant's parked trucks have a 3-4 ft. clearance to the preinstalled support poles.

2. The Hearing Officer noted that *Applicant testified that the carport would not significantly impact views from adjacent properties given that the neighbor's wall already obstructs their views.* Specifically, Applicant testified that our 7ft and 8 ft walls already obstructed our views and that our [mountain] view was about 2 inches. Applicant misrepresented what obstructs our views and, by omission, failed to mention that we have a view east/northeast through the notched 7ft long section of 6 ft. wall, which can even be seen from within our house. Applicant's HOUSE blocks views, not the 8ft wall. Applicant's house has a high, pitched silver metal roof that blocks east views. Its massive second story further obstructs views southeast. The Hearing Officer received insufficient and incorrect information, which affected his decision.

3. Applicant testified that water runoff for the proposed carport would be "south". The installed poles next to our property appear to be sloped north, while the far poles near Applicant's door appear to be sloped both north and south, with the center pole the highest pole. We are not sure where the water runoff will be.

IDO 14-16-6-6[G][3][a] stipulates the proposed carport would strengthen or reinforce the architectural character of the surrounding area.

1. The proposed carport will have the same design and metal materials as the rear carport. Neighborhood architecture is mainly stucco/wood with a few metal roofs. Applicant's carport design is commercial and quite utilitarian in appearance; thus, it doesn't strengthen or enhance the neighborhood architecture. It would not be a pleasure to view. The completed carport in the rear of Applicant's property is visual evidence that Applicant's design doesn't strengthen the surrounding area.

Addressing improper notice which potentially impacts due process:

IDO Section 14-16-6-4[N][1], in which the Applicant bears the burden of ensuring there is evidence in the record supporting a finding that all the criteria outlined in 14-16-6-6[G][3][b] are met, Applicant did not meet that burden. Section 14-16-6-6 [4] requires that all property owners within 100ft be given written notice of Applicant's applications for permit carport and variance. That was not done for eleven [11] of the twenty-one[21] property owners we successfully contacted. USPS' failure with that many not notified is probably unlikely. Although not all property owners would be impacted by Applicant's applications and would not have objected, it is a requirement of the Applicant to notify all.

Hearing Officer's Finding #4 was not applied correctly.

Additionally, Section 6-4[K][7] requires documentation of good faith effort. Section 6-4[K][7][a] requires Applicant to submit evidence that timely notice was made. Zoning's proof of notification is either a USPS receipt for stamps or a photo of pre-addressed envelopes, which the Applicant supplied. However, that is not evidence that timely notice was made. It is only proof of intent to notice and proof of intent to act in good faith. One might consider a scenario of bad faith selective mailing to gain possible advantage at the

Hearing. Half the property owners claim no notification regarding the Applicant's Special Exemption Applications. Two [2] of the property owners who should have been notified will be impacted by the proposed carport in front of the Applicant's property. Two [2] other property owners who were not notified are already impacted by the rear carport. One might like to revisit Applicant's statement of due diligence.

We are unable to comment on Finding #6. *Agent appeared and gave evidence in support of the application.* We attended the Zoom Hearing and have listened to its recording. We did not hear evidence presented by an agent. We don't know who the agent is.

Regarding Special Exemption No. VA -2023-00325, Applicant's request for a variance of 2ft, 4 inches to the required 3 ft. setback to a lot line for a carport, we do not dispute the Hearing officer's Findings, and Denial Decision based on those Findings.

Should Applicant appeal the Hearing Officer's decision:

The 10 ft. tall/ 20x32 ft size of the proposed carport placed 6 inches from our lot line would have a 10-inch light-colored metal facing around it, which would predominate the view, attract attention, and not blend harmoniously with the other softer SW browns of the stucco wall, wood pergolas, or neighborhood homes. It would alter the landscape, meaning our entire east property line view would be obstructed. Besides blocking the Sandia Mountains, it would mar the view and negatively alter the house and resale value. The patio would essentially feel like a room with no windows. Additionally, water runoff is still in question.

Applicant's Carport Application Sketch indicates a 10" overhang from the support poles. Three west support poles are 6" from lot lines. The overhang cannot be accomplished without crossing the lot line by 4." The 3ft setback requirement is necessary.

Applicant has a vast rear lot with its own entrance via Matthew/ Rio Grande Blvd, and thus considerable options for another large carport there that would suit Applicant's wishes without harming adjacent properties. As an aside, our truck has sat outside 24/7 for the last eight years without hail or sun damage.

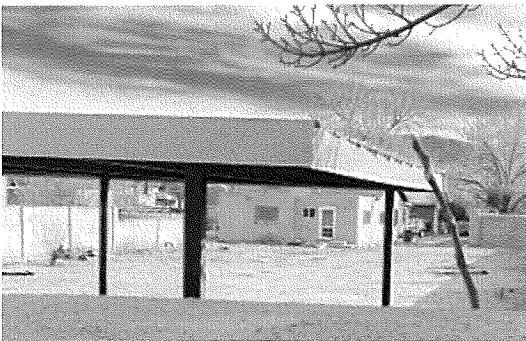
Should the denial decision for VA-2023-00325 stand, we further request the removal of 3 non-compliant carport support poles near our property lot line so as not to further threaten our wall's footings. That would mean no leveraging, prying out, or other physical removal means. We suggest an inexpensive shearing/cutting the poles off at ground level. It is still unclear whether the pole installation affected our wall footing. Applicant's own sketch of proper pole installation shows an 18-inch wide hole. If centered, poles have 7 inches on either side. The poles are 6 inches from our property line. Wall footings extend 4-5 inches from the wall. As noted earlier, a jackhammer was used to install them, which is not exactly a precise tool when inches are involved.

The day after the Hearing's decisions were announced, Applicant installed a screen 9 ft high between the poles next to our wall. Its functionality is dubious other than obscuring our view. Regretfully, we may be forced to address this civilly should Applicant attempt to maintain the screen/ poles there.

Respectfully submitted,
R. Glantz
Nancy Glantz
Richard and Nancy Glantz



2444 Iris Rear Property Carport





2512 Don Pedro Patio View East/NE- 4 of the 6 carport support poles are shown



2512 Don Pedro's inside view



2 of Applicant's support poles shown in front of Sandia

Mtns

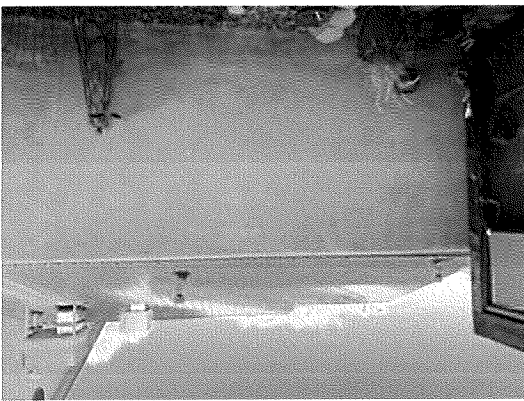


Photo of Applicant's roof blocking view East and not 8ft wall is upside down. We have been unable to turn it.



Photo of Applicant's roof blocking East view/ 2nd story blocking view SE. Its sideways, but easier to see than the upside down photo. Our 8 ft wall doesn't block the view.

I affirm that, to my knowledge, I did not receive the required USPS written notice of the date of the Hearing for applications for a permit carport, Special Exemption # VA2023-00324, and a variance of 2ft4in to the required 3ft setback to a lot line for a carport, Special Exemption #VA2023-00325, by Jacqueline Arguelles, whose residence is 2444 Iris Rd, Albuquerque, NM 87104. The applicant, Ms Arguelles, is required to notify property owners within 100ft of her property.

Please print your name, address, and signature.


1. Richard and Nancy Glantz *R. & Nancy Glantz*
2512 DON PEDRO NW 87104 *Nancy R Glantz*
2. JULIANNE McNEIL
2520 DON PEDRO NW 87104 *Julianne McNeil*
3. Mary Kay McCulloch
2508 Don Pedro *Mary Catherine McCulloch*
4. JUCE SARAFIOT
2500 DON PEDRO NW *Juce Sarafiot*
5. Sandra L Merriman *Sandra Merriman*
6. 2412 Don Pedro NW
Kathleen Desjardes *Confirmed via email - objection*
2516 Don Pedro NW
7. Anne Johnson *Anne Johnson*
2404 Don Pedro NW
8. Barbara Perdikakis *Barbara Perdikakis*
2533 Abby Jean Pl NW 87104
9. Joanne Keane *Joanne Keane*
2528 Don Pedro NW

1
enclosure

I affirm that, to my knowledge, I did not receive the required USPS written notice of the date of the Hearing for applications for a permit carport, Special Exemption # VA2023-00324, and a variance of 2ft4in to the required 3ft setback to a lot line for a carport, Special Exemption #VA2023-00325, by Jacqueline Arquelles, whose residence is 2444 Iris Rd, Albuquerque, NM 87104. The applicant, Ms Arguelles, is required to notify property owners within 100ft of her property.

Please print your name, address, and signature.

10.

Crisa Lethener 

2908

11.

Don Pedro Rd NW

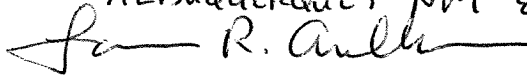
ABQ, NM 87104

12.

LAWRENCE R. ARELLANO, POA for MARJORIE V. ARELLANO

2504 DON PEDRO RNMW

ALBUQUERQUE, NM 87104

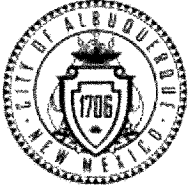
 R. Arellano

13.

14.

15.

2
enclosure



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

Jacqueline Arguelles requests a permit carport for Lot 13, Rancho Alegre, located at 2444 Iris RD NW, zoned R-A [Section 14-16-5-5(F)(2)(a)(3)]

Special Exception No: **VA-2023-00324**
Project No: **Project#2023-009519**
Hearing Date: 12-19-23
Closing of Public Record: 12-19-23
Date of Decision: 01-03-24

On the 19th day of December, 2023, property owner Jacqueline Arguelles (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a permit carport (“Application”) upon the real property located at 2444 Iris RD NW (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting permit-carport.
2. The City of Albuquerque Integrated Development Ordinance Section 14-16-6-6(G)(3) states: the criteria for a permit-carport:
 - a. *The proposed carport would strengthen or reinforce the architectural character of the surrounding area.*
 - b. *The proposed carport would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community.*
 - c. *The design of the carport complies with the provisions in Subsection 14-16-5-5(F)(2)(a)3 (Carports).*
 - d. *No carport wall is a hazard to traffic visibility, as determined by the Traffic Engineer.*
 - e. *The carport is not taller than the primary building on the lot.*
3. The Applicant bears the burden of ensuring there is evidence in the record supporting a finding that the above criteria are met under Section 14-16-6-4(N)(1).
4. All property owners within 100 feet and affected neighborhood associations were notified of the application.
5. The subject property is currently zoned R-A.
6. Agent appeared and gave evidence in support of the application.
7. Applicant has met its burden of providing evidence that establishes that the proposed carport would strengthen or reinforce the architectural character of the surrounding area. Applicant testified that the design of the carport comports with that of the residence on site and is in harmony with architecture of neighboring properties.
8. Applicant has met its burden of providing evidence that establishes that the proposed carport would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community. Applicant testified that the carport would not significantly impact views from adjacent properties given that the neighbor’s wall already obstructs their views, and that no

water from the carport would flow onto adjacent properties.

9. Applicant has met its burden of providing evidence that establishes that the proposed carport complies with IDO Subsection 14-16-5-5(F)(2)(a)(2)(a) (Carports).
10. The City Traffic Engineer issued a report indicating no objection to the proposed carport.
11. Applicant has met its burden of providing evidence that establishes that the proposed carport is not taller than the primary building on the lot. Applicant testified that the top of the carport would be lower than the primary residence on the lot.

DECISION:

APPROVAL of a permit-carport.

APPEAL:

If you wish to appeal this decision, you must do so by January 18, 2024 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
JACQUELINE ARGUELLES jcandel40@msn.com
Joyce Barefoot 61j.a.barefoot@gmail.com
Richard Glantz rgredneck@comcast.net
Joanne Keane jmkot@msn.com
Kit Desjacques kitdesjacques@gmail.com
Sandra Merriman sandramerriman41@gmail.com



REQUEST FOR SPECIAL EXCEPTION

X Variance Conditional Use Other

Interpreter: Yes No

VA# VA-2023-00324

PR# PR-2023-009519

Date: 8/24/2023		Received By: Rachel Erickson	
Address of Request: 2444 Iris Road NW			
City: Albuquerque		State: NM	Zip: 87104
Lot: 13	Block: 0000	Zone: R-A	Map pg. G12
Subdivision: Rancho Alegre		UPC# 101206043609440222	
Property Owner(s): Jacqueline Arguelles			
Mailing Address: 2444 Iris Road NW			
City: Albuquerque		State: NM	Zip: 87104
Phone: 505-249-5892		Email: jcandel40@msn.com	
Agent:			
Mailing Address:			
City:		State:	Zip:
Phone:		Email:	
			Fee Total: \$214.20

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: 11/7/23

Hearing Date: 12/19/23

ZONING OFFICIAL USE ONLY			
Request for exception to IDO Section: 14-16-5-5(F)(2(a)(3) Ref. 14-16-6-6 (G)			
Description of request: a Permit-- Carport			
X 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 nd check Initials CMT



REQUEST FOR SPECIAL EXCEPTION

X Variance Conditional Use Other

Interpreter: Yes No

VA# VA-2023-00325

PR# PR-2023-009519

Date: 8/24/2023		Received By: Rachel Erickson	
Address of Request: 2444 Iris Road NW			
City: Albuquerque		State: NM	Zip: 87104
Lot: 13	Block: 0000	Zone: R-A	Map pg. G12
Subdivision: Rancho Alegre		UPC# 101206043609440222	
Property Owner(s): Jacqueline Arguelles			
Mailing Address: 2444 Iris Road NW			
City: Albuquerque		State: NM	Zip: 87104
Phone: 505-249-5892		Email: jcandel40@msn.com	
Agent:			
Mailing Address:			
City:		State:	Zip:
Phone:		Email:	
			Fee Total: \$214.20

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: 11/7/23

Hearing Date: 12/19/23

ZONING OFFICIAL USE ONLY			
Request for exception to IDO Section: 14-16-5-5(F)(2)(3)(c)			
Description of request: a Variance of 2 ft and 4 inches to the required 3 ft setback to a lot line for a carport			
X 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 nd check Initials CMT

parking is located within 660 feet in any direction of the use for which the parking is provided (measured from the nearest points on their lot lines), and the applicant provides documentation that the off-site spaces will remain available to supply the required parking for the applicant’s property for a period of not less than 2 years. Off-site parking for a non-residential use may not be provided in any Residential zone district.

3. Parking in the rear of a site may be accessed by alleys or by shared access drives or easements along abutting side yards where alley access is not feasible or alleys do not exist. Shared access easements shall not be more than 20 feet wide.
4. Parking shall be landscaped following the requirements in Subsection 14-16-5-6(F).

5-5(F)(2) Design, Access, and Circulation

The following standards apply to driveways, drive aisles, carports, parking lots, and parking structures unless specified otherwise in this IDO.

5-5(F)(2)(a) Low-density Residential Development

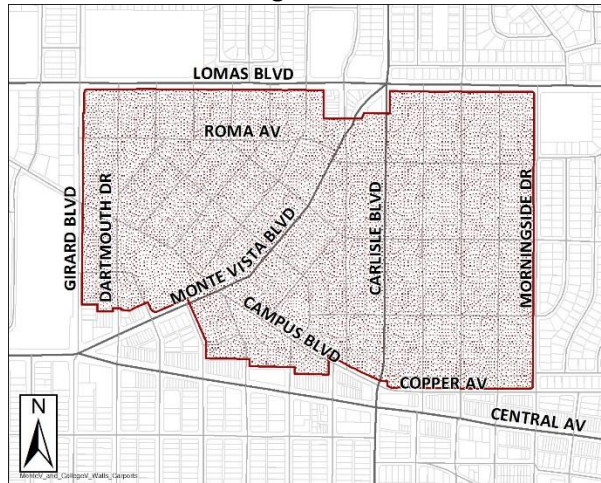
The following standards apply to all low-density residential development in any zone district except R-MC.

1. Driveways, parking areas, and curb cuts shall meet any applicable requirements in Subsection 14-16-5-3(C)(3)(b) (Driveways, Drive Aisles, and Access) and the DPM.
2. The combined area of the front yard or street side yard that can be improved for driveways and parking areas in the R-1, R-T, R-ML, and R-MH zone districts shall be limited pursuant to Table 5-5-6.

Table 5-5-6: Maximum Front and Street Side Yard Parking Area	
Lot Size (sq. ft.)	Maximum Front and Street Side Yard Parking Area
≤2,200	400 sq. ft. or ≤85%, whichever is greater
>2,200 and <5,000	400 sq. ft. or ≤75%, whichever is greater
≥5,000	400 sq. ft. or ≤60%, whichever is greater

3. Carports
 - a. Where carports are allowed pursuant to this Subsection 3, they shall not extend into any required clear sight triangle.
 - b. In the R-A, R-1, R-T, R-ML, R-MH, and MX-T zone districts, no carport wall may be built within the required front or side setback area unless a Permit – Carport is approved pursuant to Subsection 14-16-6-6(G).
 - c. In the R-A, R-1, R-T, R-ML, R-MH, and MX-T zone districts, no portion a carport structure may be located within 3 feet of a lot line.

- d. Carports are prohibited within any front yard in the following small areas:
 - i. Downtown Neighborhood Area – CPO-3
 - ii. Monte Vista and College View Historic District



- 4. In Centers and Corridor areas identified in the ABC Comp Plan, as amended, tandem parking is allowed. A tandem parking space may be counted toward off-street parking requirements provided that both spaces are leased to, allocated to, or otherwise under the control of the same party.

5-5(F)(2)(b) **All Other Uses**

- 1. Public parking areas shall be designed so that vehicles do not have to back out of the parking area onto a public street.
- 2. The primary vehicular access to a parking area shall be from a side street or alley, where alleys are platted and in use. If an alley is used for parking area access, the alley area may be included in the calculation of circulation and maneuvering areas.
- 3. Vehicular access to a primary non-residential use shall be located to avoid the need for traffic from a collector or arterial street to use a local street for more than 150 feet to access the lot containing the non-residential use.
- 4. Vertically stacked tandem parking using lift equipment may be used to meet minimum off-street parking requirements in any zone district provided that the parking structure is attended with a lift operator at all times.
- 5. Fire and emergency access to and through parking areas shall comply with Article 14-2 of ROA 1994 (Fire Code).
- 6. In the MX-H and MX-FB zone districts, no portion of a vehicle driving lane shall be located in the area directly between the front façade of the primary building and the front lot line.
- 7. Large Parking Lots

6-6(G) PERMIT – CARPORT

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

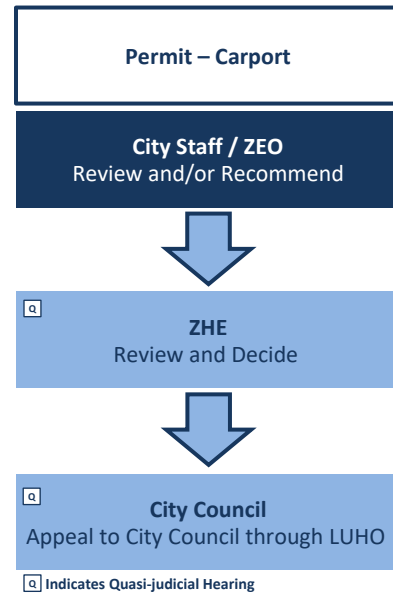
6-6(G)(1) Applicability

This Subsection 14-16-6-6(G) applies to all applications for a carport in a required front or side setback.

6-6(G)(2) Procedure

6-6(G)(2)(a) The City Planning Department staff shall review the application and forward a recommendation to the ZHE pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).

6-6(G)(2)(b) The ZHE shall conduct a public hearing on the application and make a written decision on the application pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).



6-6(G)(3) Review and Decision Criteria

An application for a Permit – Carport shall be approved if all of the following criteria are met.

6-6(G)(3)(a) The carport would strengthen or reinforce the architectural character of the surrounding area.

6-6(G)(3)(b) The carport would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community.

6-6(G)(3)(c) The design of the carport complies with the provisions in Subsection 14-16-5-5(F)(2)(a)3 (Carports).

6-6(G)(3)(d) No carport wall is a hazard to traffic visibility, as determined by the Traffic Engineer.

6-6(G)(3)(e) The carport is not taller than the primary building on the lot.

Sanchez, Suzanna A.

From: Sanchez, Suzanna A.
Sent: Monday, August 28, 2023 4:27 PM
To: jcandel40@msn.com
Subject: ZHE Information for 2444 Iris Rd NW
Attachments: 1. Letter to Neighborhood Association.pdf; CARPORT PERMIT JUSTIFICATION APRIL 2021.pdf; VARIANCE JUSTIFICATION APRIL 2021.pdf
Importance: High

Good afternoon,

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 Letters
- Photo of Property

If you have questions, please contact me.

Thank you,

Suzie



SUZIE FLORES

zhe administrative assistant

o 505.924.3894

e suzannasanchez@cabq.gov

cabq.gov/planning

Sanchez, Suzanna A.

From: Carmona, Dalaina L.
Sent: Tuesday, October 3, 2023 4:51 PM
To: 'jcandel40@msn.com'
Cc: Sanchez, Suzanna A.
Subject: 2444 Iris Road NW Neighborhood Meeting Inquiry Sheet Submission

Follow Up Flag: Follow up
Flag Status: Completed

PLEASE NOTE:

The neighborhood association contact information listed below is valid for 30 calendar days after today's 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
North Valley Coalition	James	Salazar	jasalazarm@gmail.com	5025 Guadalupe Trail NW	Albuq
North Valley Coalition	Peggy	Norton	peggynorton@yahoo.com	3810 11th Street NW	Albuq
Thomas Village NA	Rondall	Jones	rejones7@msn.com	3117 Don Quixote Court NW	Albuq
Thomas Village NA	Richard	Meyners	abqrmeyners@gmail.com	3316 Calle De Daniel NW	Albuq
Alvarado Gardens NA	Michael	Dexter	medexter49@gmail.com	3015 Calle San Ysidro NW	Albuq
Alvarado Gardens NA	Diana	Hunt	president@alvaradoneighborhood.com	2820 Candelaria Road NW	Albuq

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, 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.
- 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, 9th Floor
 Albuquerque, NM 87102
 505-768-3334

dcarmona@cabq.gov or ONC@cabq.gov

Website: 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: Tuesday, October 3, 2023 4:38 PM
To: Office of Neighborhood Coordination <jcandel40@msn.com>
Cc: Office of Neighborhood Coordination <onc@cabq.gov>
Subject: Neighborhood Meeting Inquiry Sheet Submission

[EXTERNAL] Forward to 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

Jacqueline Arguelles

Telephone Number

5052495892

Email Address

jcandel40@msn.com

Company Name

Company Address

2444 Iris Road NW, Apt, suite, floor, etc.

City

Albuquerque

State

NM

ZIP

87104

Legal description of the subject site for this project:

Physical address of subject site:

2444 Iris Road NW

Subject site cross streets:

Rio Grande/Matthew

Other subject site identifiers:

This site is located on the following zone atlas page:

G12

Captcha

x

Sanchez, Suzanna A.

From: JACQUELINE ARGUELLES <jcandel40@msn.com>
Sent: Monday, October 16, 2023 4:50 PM
To: Sanchez, Suzanna A.
Subject: Fwd: Permit-Carport
Attachments: Public Notification Form.jpeg

Follow Up Flag: Follow up
Flag Status: Flagged

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

Get [Outlook for iOS](#)

From: JACQUELINE ARGUELLES
Sent: Tuesday, October 3, 2023 7:10:10 PM
To: jasalazarnm@gmail.com <jasalazarnm@gmail.com>; peggynorton@yahoo.com <peggynorton@yahoo.com>; rejones7@msn.com <rejones7@msn.com>; abqrmeyners@gmail.com <abqrmeyners@gmail.com>; medexter49@gmail.com <medexter49@gmail.com>
Subject: Permit-Carport

REQUEST FOR NEIGHBORHOOD MEETING

Date: 9/27/2023

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 a new carport to be constructed

_____ (summary of request).

Property owner Jacqueline Arguelles
Agent if applicable _____
Property Address 2444 Iris NW, Albuquerque, NM, 87104 (zip code).

This letter is an offer to meet with you to provide additional information. If you wish to meet, please respond within 15 days. If you do not want to meet, or you support the proposal, please let me know.

Thank you,
Applicant Name Jacqueline Arguelles
Email jcandel40@msn.com
Phone Number 505 249 5892

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

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

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

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

Date of Request*: 9/28/2023

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

Neighborhood Association (NA)*: Rio Grande Blvd NA

Name of NA Representative*: Eleanor Walther

Email Address* or Mailing Address* of NA Representative¹: ewalther@comcast.net

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

Email address to respond yes or no: _____

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

Meeting Date / Time / Location:

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

1. Subject Property Address* 2444 Fris Rd NW 87104
Location Description _____
2. Property Owner* Jacqueline Arguelles
3. Agent/Applicant* [if applicable] n/a
4. Application(s) Type* per IDO [Table 6-1-1](#) [mark all that apply]
 - Conditional Use Approval
 - Permit carport (Carport or Wall/Fence – Major)
 - Site Plan
 - Subdivision _____ (Minor or Major)

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

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

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

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

Summary of project/request^{3*}:

Carport

5. This type of application will be decided by*: City Staff
OR at a public meeting or hearing by:
 Zoning Hearing Examiner (ZHE) Development Review Board (DRB)
 Landmarks Commission (LC) Environmental Planning Commission (EPC)
 City Council
6. Where more information about the project can be found^{4*}:
n/a

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

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

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

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

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

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

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

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

Additional Information:

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

Useful Links

Integrated Development Ordinance (IDO):

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

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

Cc: _____ [Other Neighborhood Associations, if any]

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

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



PART I - PROCESS	
Use Table 6-1-1 in the Integrated Development Ordinance (IDO) to answer the following:	
Application Type:	<u>Permit - Carport</u>
Decision-making Body:	<u>CABA Zoning</u>
Pre-Application meeting required:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Neighborhood meeting required:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Mailed Notice required:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Electronic Mail required:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is this a Site Plan Application:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Note: if yes, see second page
PART II - DETAILS OF REQUEST	
Address of property listed in application:	<u>2444 Iris Road NW</u>
Name of property owner:	<u>Jacqueline Arguelles</u>
Name of applicant:	<u>Jacqueline Arguelles</u>
Date, time, and place of public meeting or hearing, if applicable:	
Address, phone number, or website for additional information: <u>505 249 5892</u>	
PART III - ATTACHMENTS REQUIRED WITH THIS NOTICE	
<input checked="" type="checkbox"/> Zone Atlas page indicating subject property.	
<input checked="" type="checkbox"/> Drawings, elevations, or other illustrations of this request.	
<input type="checkbox"/> Summary of pre-submittal neighborhood meeting, if applicable.	
<input type="checkbox"/> Summary of request, including explanations of deviations, variances, or waivers.	
IMPORTANT: PUBLIC NOTICE MUST BE MADE IN A TIMELY MANNER PURSUANT TO SUBSECTION 14-16-6-4(K) OF THE INTEGRATED DEVELOPMENT ORDINANCE (IDO). PROOF OF NOTICE WITH ALL REQUIRED ATTACHMENTS MUST BE PRESENTED UPON APPLICATION.	

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

Jacqueline Arguelles (Applicant signature) 10/2/2023 (Date)

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

Sanchez, Suzanna A.

From: JACQUELINE ARGUELLES <jcandel40@msn.com>
Sent: Tuesday, October 3, 2023 7:12 PM
To: Carmona, Dalaina L.
Cc: Sanchez, Suzanna A.
Subject: Re: 2444 Iris Road NW Neighborhood Meeting Inquiry Sheet Submission

Follow Up Flag: Follow up
Flag Status: Flagged

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

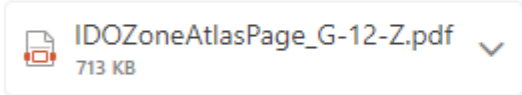
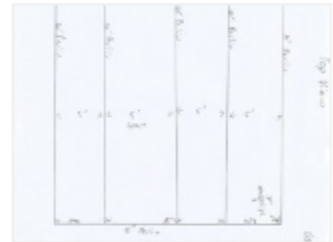
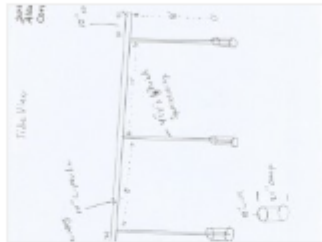
Close | Previous Next

Permit-Carport



JACQUELINE ARGUELLES

To: jasalazarm@gmail.com; peggyorton@yahoo.com; rejones7@msn.com; abqrmeyners@gmail.com;



5 attachments (2 MB) Save all to OneDrive Download all

Reply Reply all Forward

From: Carmona, Dalaina L. <dcarmona@cabq.gov>
Sent: Tuesday, October 3, 2023 4:50 PM
To: 'jcandel40@msn.com' <jcandel40@msn.com>

Cc: Sanchez, Suzanna A. <suzannasanchez@cabq.gov>

Subject: 2444 Iris Road NW Neighborhood Meeting Inquiry Sheet Submission

PLEASE NOTE:

The neighborhood association contact information listed below is valid for 30 calendar days after today's 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
North Valley Coalition	James	Salazar	jasalazarm@gmail.com	5025 Guadalupe Trail NW	Albuq
North Valley Coalition	Peggy	Norton	peggynorton@yahoo.com	3810 11th Street NW	Albuq
Thomas Village NA	Rondall	Jones	rejones7@msn.com	3117 Don Quixote Court NW	Albuq
Thomas Village NA	Richard	Meyners	abqrmeyners@gmail.com	3316 Calle De Daniel NW	Albuq
Alvarado Gardens NA	Michael	Dexter	medexter49@gmail.com	3015 Calle San Ysidro NW	Albuq
Alvarado Gardens NA	Diana	Hunt	president@alvaradoneighborhood.com	2820 Candelaria Road NW	Albuq

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, 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.
- 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, 9th Floor
 Albuquerque, NM 87102
 505-768-3334

dcarmona@cabq.gov or ONC@cabq.gov

Website: 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: Tuesday, October 3, 2023 4:38 PM
To: Office of Neighborhood Coordination <jcandel40@msn.com>
Cc: Office of Neighborhood Coordination <onc@cabq.gov>
Subject: Neighborhood Meeting Inquiry Sheet Submission

[EXTERNAL] Forward to 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

Jacqueline Arguelles

Telephone Number

5052495892

Email Address

jcandel40@msn.com

Company Name

Company Address

2444 Iris Road NW, Apt, suite, floor, etc.

City

Albuquerque

State

NM

ZIP

87104

Legal description of the subject site for this project:

Physical address of subject site:

2444 Iris Road NW

Subject site cross streets:

Rio Grande/Matthew

Other subject site identifiers:

This site is located on the following zone atlas page:

G12

Captcha

x



12444

-W-

2444 Iris Road NW
Albuquerque NM 87104
Carport top view

Top View

-N-

Brick wall

10' >

32'

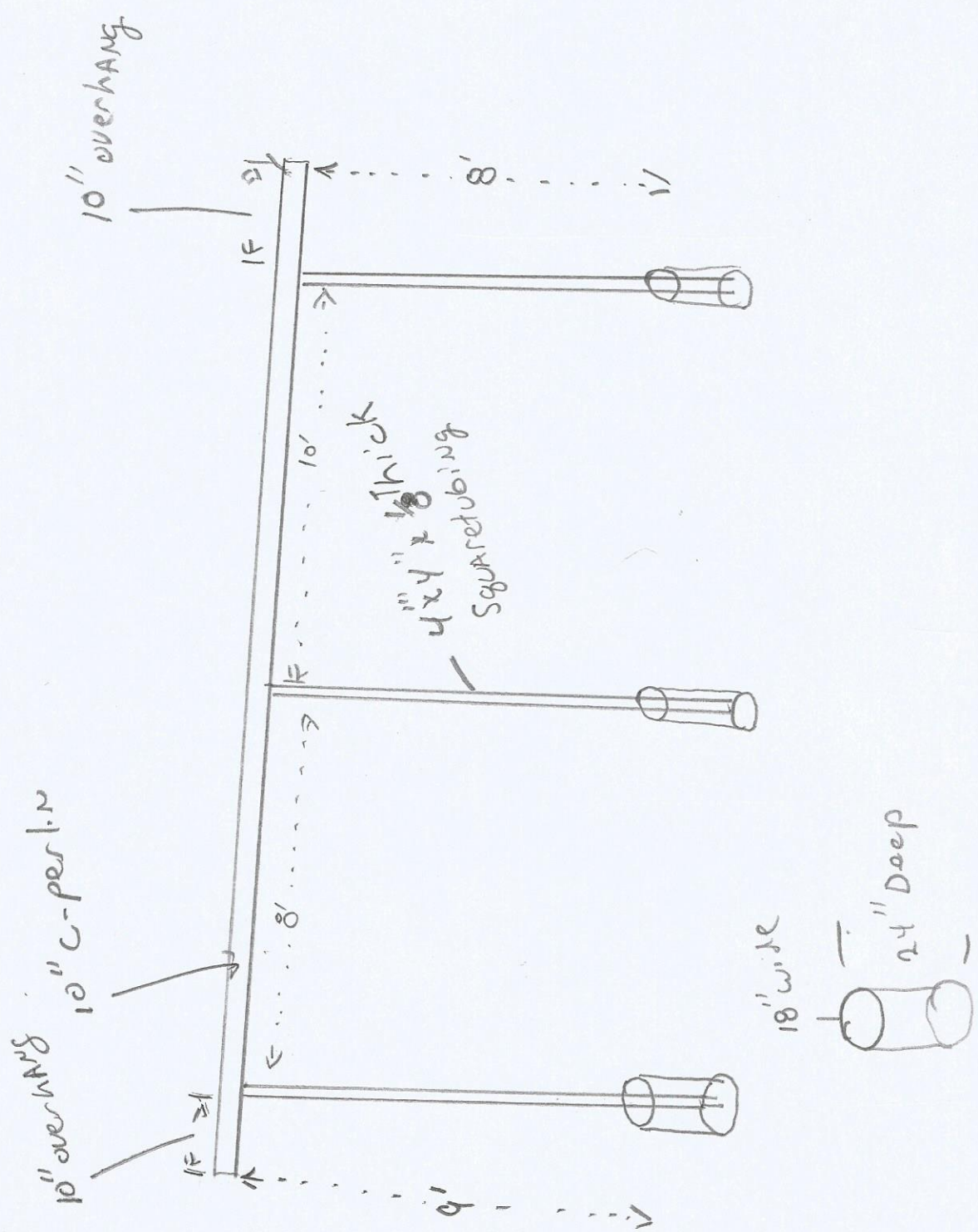
20'

front door
house

3'

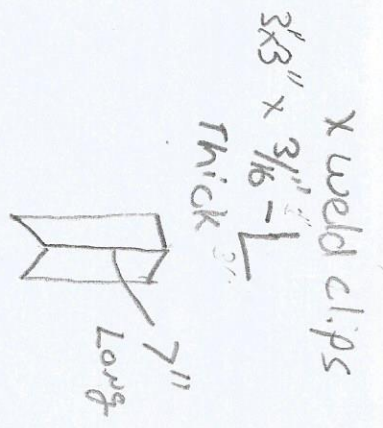
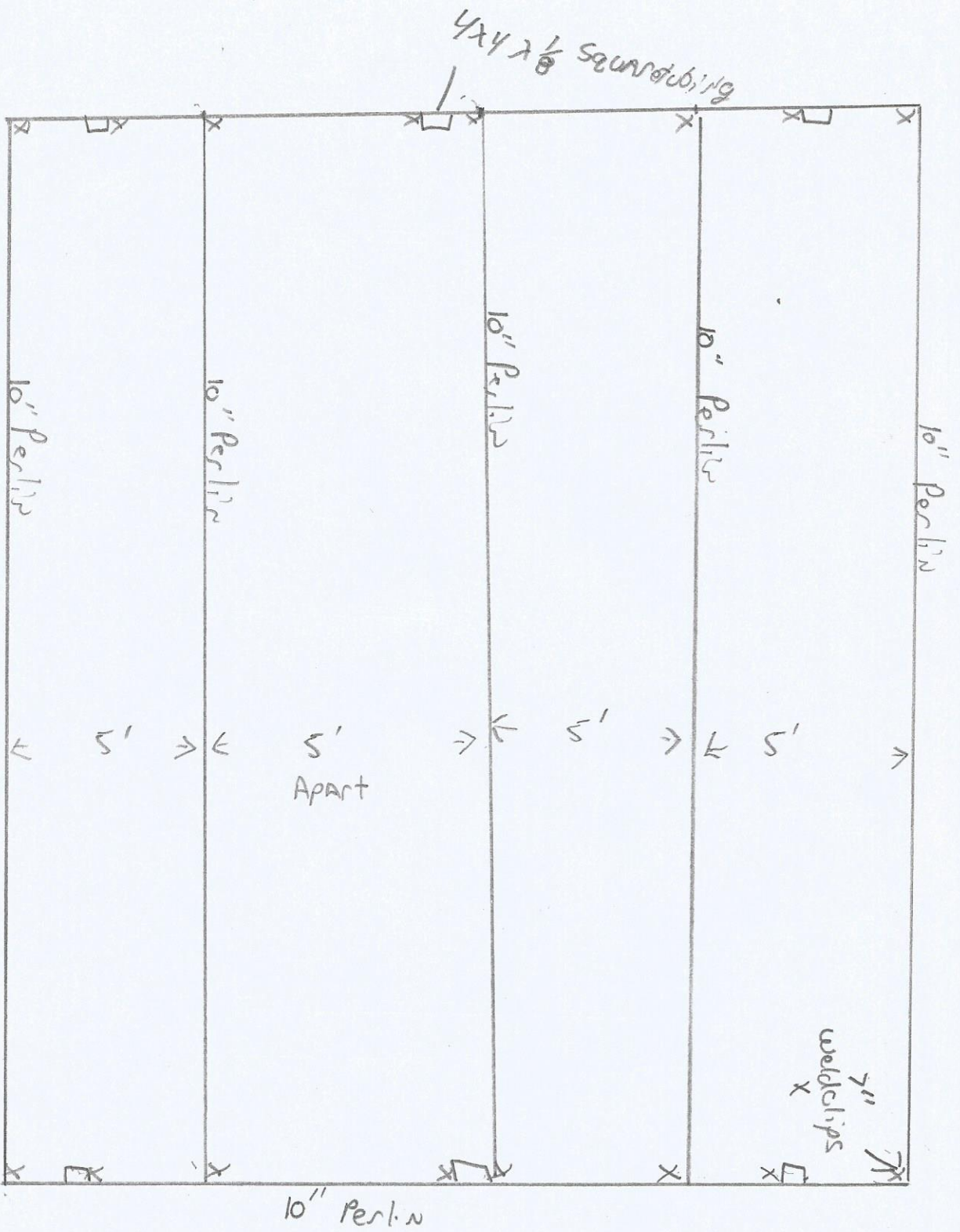
2444 Iris Road NW
Albuquerque NM 87104
Carport dimensions

Side View



2444 Fris Road NW
 Albany NM 87104
 Carpenter ~~Dimensions~~
 material into

Top View



PERMIT JUSTIFICATION LETTER – CARPORT

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

RE: Request for Carport Permit at 2444 Iris Road NW
Albuq. NM 87104 (address of the subject property).

(a) The carport would strengthen or reinforce the architectural character of the surrounding area **BECAUSE:**

Carport will be professionally constructed with materials that blend with current home structure and surrounding structures.

(b) The carport would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community **BECAUSE:**

Carport will not interfere or impede other or surrounding properties and will be for private use only.

(c) The design of the carport complies with the provisions in Subsection 14-16-5-5(F)(2)(a)3 (Carports). **PLEASE EXPLAIN:**

Carport will be professionally constructed by a licensed contractor. City engineer will verify structure compliance of rules.

(d) No carport wall is a hazard to traffic visibility, as determined by the Traffic Engineer. **The traffic engineer will review your sketch plan and submit a recommendation to the ZHE.**

(e) The carport is not taller than the primary building on the lot. **PLEASE EXPLAIN:**

Carport will not be taller than primary building and will not impact visibility to traffic or other structures

Signature Jaqueline Arguella

Date 9/27/2023

VARIANCE JUSTIFICATION LETTER - GENERAL

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

RE: Request for Variance of Carport
at 2444 Fris Rd NW, Albuq. NM 87104 (address of the subject property).

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

Only requesting shorter setback of structure poles on one side of property line. Similar setbacks exist on other neighborhood structures.

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

- ① Carport will not interfere with or cause injury or damage to any adjacent properties or persons.
- ② Will be built by a licensed contractor.

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

Carport will be similar to already existing structures in direct surrounding area neighborhood

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

There are existing carports and structures which have been approved previously in our zone district.

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

- ① Carport will be built 6 inches from property line similar to other carports/pergolas surrounding our property.
- ② To protect our vehicles from damage to elements i.e. hail damage.
- ③ To protect from slip and falls from snow/ice during winter months.

Signature Jacqueline Cruz Date 9/28/2023



CITY OF ALBUQUERQUE INVOICE

JACQUELINE ARGUELLES

2444 IRIS ROAD NW

Reference NO: VA-2023-00324

Customer NO: CU-192517853

Date	Description	Amount
11/08/23	2% Technology Fee	\$4.20
11/08/23	Application Fee	\$100.00
11/08/23	Facilitated Meeting Fee	\$50.00
11/08/23	Posted Sign Fee	\$10.00
11/08/23	Published Notice Fee	\$50.00

Due Date: **11/08/23**

Total due for this invoice:

\$214.20

Options to pay your Invoice:

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

PLEASE RETURN THE BOTTOM PORTION OF THIS INVOICE NOTICE WITH PAYMENT



City of Albuquerque
PO Box 1293
Albuquerque, NM 87103

Date: 11/08/23

Amount Due: **\$214.20**

Reference NO: VA-2023-00324

Payment Code: 130

Customer NO: CU-192517853

JACQUELINE ARGUELLES
2444 IRIS ROAD NW
ABQ, NM 87104



130 0000VA20230032400102546719251784500000000000002142CU192517853

047



CITY OF ALBUQUERQUE INVOICE

JACQUELINE ARGUELLES

2444 IRIS ROAD NW

Reference NO: VA-2023-00325

Customer NO: CU-192517853

Date	Description	Amount
11/08/23	2% Technology Fee	\$4.20
11/08/23	Application Fee	\$100.00
11/08/23	Facilitated Meeting Fee	\$50.00
11/08/23	Posted Sign Fee	\$10.00
11/08/23	Published Notice Fee	\$50.00

Due Date: **11/08/23**

Total due for this invoice:

\$214.20

Options to pay your Invoice:

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

PLEASE RETURN THE BOTTOM PORTION OF THIS INVOICE NOTICE WITH PAYMENT



City of Albuquerque
PO Box 1293
Albuquerque, NM 87103

Date: 11/08/23

Amount Due: **\$214.20**

Reference NO: VA-2023-00325

Payment Code: 130

Customer NO: CU-192517853

JACQUELINE ARGUELLES
2444 IRIS ROAD NW
ABQ, NM 87104



130 0000VA20230032500102546719251843600000000000002142CU192517853

048

City of Albuquerque ZHE – December 19, 2023

Agenda Item #15

VA-2023-00324

PR-2023-009519

Jacqueline Arguelles requests a permit carport for Lot 13, Rancho Alegre, located at 2444 Iris RD NW, zoned R-A [Section 14-16-5-5(F)(2)(a)(3)]

Ownership: Owner: ARGUELLES L JAQUELINE

Zone District/Purpose: R-A/ The purpose of the R-A zone district is to provide for lower density single-family residential 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:

3. Carports

- a. Where carports are allowed pursuant to this Subsection 3, they shall not extend into any required clear sight triangle.
- b. In the R-A, R-1, R-T, R-ML, R-MH, and MX-T zone districts, no carport wall may be built within the required front or side setback area unless a Permit – Carport is approved pursuant to Subsection 14-16-6-6(G).
- c. In the R-A, R-1, R-T, R-ML, R-MH, and MX-T zone districts, no portion a carport structure may be located within 3 feet of a lot line.

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 ZHE – December 19, 2023

Agenda Item #16

VA-2023-00325

PR-2023-009519

Jacqueline Arguelles requests a variance of 2 ft and 4 inches to the required 3 ft setback to a lot line for a carport for Lot 13, Rancho Alegre, located at 2444 Iris RD NW, zoned R-A [Section 14-16-5-5(F)(2)(3)(c)]

Ownership: Owner: ARGUELLES L JAQUELINE

Zone District/Purpose: R-A/ The purpose of the R-A zone district is to provide for lower density single-family residential 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:

c. In the R-A, R-1, R-T, R-ML, R-MH, and MX-T zone districts, no portion a carport structure may be located within 3 feet of a lot line.

Traffic Recommendations: No objection

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



CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
INTER-OFFICE MEMORANDUM

December 13, 2023

To: Lorena Patten-Quintana, ZHE Planner

From: Matt Grush, P.E. Senior Engineer

Subject: COMMENTS FOR THE ZHE HEARING OF December 19, 2023

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

VA-2023-00324, -00325

PR-2023-009519

Address: 2444 Iris Road NW

Transportation Review: No objection

After review of the provided application, Transportation has objection to a Request for a Permit—Carport and a Variance of 2 ft and 4 inches to the required 3 ft setback to a lot line for a carport.

From: [JACQUELINE ARGUELLES](#)
To: [Sanchez, Suzanna A.](#)
Subject: Re: ZHE Public Notice-2444 Iris
Date: Monday, December 4, 2023 1:55:55 PM
Attachments: [image001.jpg](#)
[Receipt for stamps.pdf](#)
[IMG_1528.jpg](#)
[IMG_1530.jpg](#)
[IMG_1529.jpg](#)

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

From: Sanchez, Suzanna A. <suzannasanchez@cabq.gov>
Sent: Wednesday, November 29, 2023 1:49 PM
To: JACQUELINE ARGUELLES <jcandel40@msn.com>
Subject: ZHE Public Notice-2444 Iris

Dear Applicant,

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

Owner	Complete Owner Address
LEATHERER CHRISTINA L	2408 DON PEDRO NW ALBUQUERQUE NM 87104-3060
NICOL GLENN R & ERIN L HAGENOW	2434 IRIS RD NW ALBUQUERQUE NM 87104-3009
ARELLANO LEO & MARJORIE	2504 DON PEDRO NW ALBUQUERQUE NM 87104-3062
ROYCE STEPHEN	PO BOX 7516 ALBUQUERQUE NM 87194
MCCULLOCH MARY CATHERINE	2508 DON PEDRO NW ALBUQUERQUE NM 87104-3062
MERRIMAN SANDRA L TRUSTEE MERRIMAN TRUST	2412 DON PEDRO NW ALBUQUERQUE NM 87104-3060
GLANTZ RICHARD E & NANCY R	2512 DON PEDRO NW ALBUQUERQUE NM 87104-3062
PENA-TRUJILLO ROSELLA TRUSTEE PENA-TRUJILLO RVT	2525 ABBY JEAN PL NW ALBUQUERQUE NM 87104-3083
GONZALES KAREN JOY	2440 IRIS RD NW ALBUQUERQUE NM 87104-3009
DESJACQUES KATHLEEN CONREY TRUSTEE DESJACQUES RVT	2516 DON PEDRO NW ALBUQUERQUE NM 87104-3063
PRDONPEDRO LLC	2619 CORIANDA CT NW ALBUQUERQUE NM 87104-3267
MCNEIL JULIANNE	2520 DON PEDRO NW ALBUQUERQUE NM 87104-3063
PERDIKAKIS BARBARA J TRUSTEE PERDIKAKIS TRUST	2533 ABBY JEAN PL NW ALBUQUERQUE NM 87104-3083
BAREFOOT JOYCE	2500 DON PEDRO NW ALBUQUERQUE NM 87104-3062
SCOTT JOAN B	2529 ABBEY JEAN PL NW ALBUQUERQUE NM 87104
DOMINGUEZ GARY	2417 IRIS RD NW ALBUQUERQUE NM 87104
JOHNSON ANN H TRUSTEE TRUST A JOHNSON RVT	2404 DON PEDRO NW ALBUQUERQUE NM 87104-3060
ARGUELLES JACQUELINE L & CARLOS	2444 IRIS RD NW ALBUQUERQUE NM 87104-3009
KEANE JOANNE M	2528 DON PEDRO NW ALBUQUERQUE NM 87104-3063
CONLEE AIMEE E	2430 IRIS RD NW ALBUQUERQUE NM 87104-3009
ARGUELLES L JAQUELINE	2444 IRIS RD NW ALBUQUERQUE NM 87104
BALDO-PULASKI JANISE	2441 IRIS RD NW ALBUQUERQUE NM 87104
BLEA JOHNSON GLORIA	2445 IRIS RD NW ALBUQUERQUE NM 87104-3008
ARGUELLES JACQUELINE L	2444 IRIS RD NW ALBUQUERQUE NM 87104

**Please forward me a copy of the letter and proof of notice by Wednesday, December 13th.
Lack of notice may result in a deferral.**

Thank you,
Suzie

cid:image001.jpg@01D4229C.220EB9E0



SUZIE FLORES

zhe administrative assistant

o 505.924.3894

e suzannasanchez@cabq.gov

cabq.gov/planning



NORTH VALLEY
 424 VERANDA RD NW
 ALBUQUERQUE, NM 87107-9997
 (800)275-8777

11/30/2023

04:17 PM

Product	Qty	Unit Price	Price
SnowGlobesBklt/20	1	\$13.20	\$13.20
Holiday Elves	1	\$13.20	\$13.20

Grand Total: \$26.40

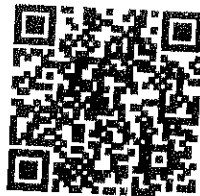
Debit Card Remit \$26.40

Card Name: VISA
 Account #: XXXXXXXXXXXX3557
 Approval #: 061723
 Transaction #: 624
 Receipt #: 058951
 Debit Card Purchase: \$26.40
 AID: A0000000980840 Chip
 AL: US DEBIT
 PIN: Verified

Preview your Mail
 Track your Packages
 Sign up for FREE @
<https://informedelivery.usps.com>

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

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



or call 1-800-410-7420.

UFN: 340167-0107
 Receipt #: 840-58700062-3-8438764-1
 Clerk: 99

2444 Iris Road NW
Albuquerque, NM 87104

NICOL GLENN R & ERIN L HAGENOW
2434 IRIS RD NW
ALBUQUERQUE NM 87104-3009

2444 Iris Road NW
Albuquerque, NM 87104

DOMINGUEZ GARY
2417 IRIS RD NW
ALBUQUERQUE NM 87104

2444 Iris Road NW
Albuquerque, NM 87104

PRDONPEDRO LLC
2619 CORIANDA CT NW
ALBUQUERQUE NM 87104-3267

2444 Iris Road NW
Albuquerque, NM 87104

PERDIKAKIS BARBARA J TRUSTEE PERDIKAKIS TRUST
2533 ABBY JEAN PL NW
ALBUQUERQUE NM 87104-3083

2444 Iris Road NW
Albuquerque, NM 87104

GLANTZ RICHARD E & NANCY R
2512 DON PEDRO NW
ALBUQUERQUE NM 87104-3062

2444 Iris Road NW
Albuquerque, NM 87104

LEATHERER CHRISTINA L
2408 DON PEDRO NW
ALBUQUERQUE NM 87104-3060

2444 Iris Road NW
Albuquerque, NM 87104

BLEA JOHNSON GLORIA
2445 IRIS RD NW
ALBUQUERQUE NM 87104-3008

2444 Iris Road NW
Albuquerque, NM 87104

CONLEE AIMEE E
2430 IRIS RD NW
ALBUQUERQUE NM 87104-3009

2444 Iris Road NW
Albuquerque, NM 87104

ARELLANO LEO & MARJORIE
2504 DON PEDRO NW
ALBUQUERQUE NM 87104-3062

2444 Iris Road NW
Albuquerque, NM 87104

ROYCE STEPHEN
PO BOX 7516
ALBUQUERQUE NM 87194

2444 Iris Road NW
Albuquerque, NM 87104

MCCULLOCH MARY CATHERINE
2508 DON PEDRO NW
ALBUQUERQUE NM 87104-3062

2444 Iris Road NW
Albuquerque, NM 87104

MERRIMAN SANDRA L TRUSTEE MERRIMAN TRUST
2412 DON PEDRO NW
ALBUQUERQUE NM 87104-3060

2444 Iris Road NW
Albuquerque, NM 87104

GONZALES KAREN JOY
2440 IRIS RD NW
ALBUQUERQUE NM 87104-3009

2444 Iris Road NW
Albuquerque, NM 87104

DOMINGUEZ GARY
2417 IRIS RD NW
ALBUQUERQUE NM 87104

Sanchez, Suzanna A.

From: Richard Glantz <rgredneck@comcast.net>
Sent: Tuesday, December 12, 2023 3:01 PM
To: Sanchez, Suzanna A.
Subject: Re: ZHE Application

Follow Up Flag: Follow up
Flag Status: Flagged

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

Dear Ms. Flores,

Thank you for forwarding the application and agenda in such a timely manner and for your informative response to my phone call. Prior to our conversation, I had no knowledge of the request for variance filed on Nov 8, 2023. Ms Arguelles has made no attempt either written or in person to keep us (and other neighbors) informed as to the status of her planned carport, even after we reached out to her and asked to be kept in the loop.

Due to the lack of proper notice, I am hereby requesting a deferral of the scheduled hearing on December 19,2023. I will forward our objections to this variance as soon as possible. I am further requesting that the deferred hearing be conducted in the Plaza del Sol hearing room so that we are able to present our objections in person, with photographic evidence.

If this hearing is not deferred, please advise as soon as possible so that I can attempt to meet the 5pm deadline tomorrow.

On 12/12/2023 1:07 PM, Sanchez, Suzanna A. wrote:

Good afternoon,

Attached is the special exception application that was submitted for 2444 Iris.

Thank you,

Suzie



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

Sanchez, Suzanna A.

From: Richard Glantz <rgredneck@comcast.net>
Sent: Wednesday, December 13, 2023 9:58 AM
To: Sanchez, Suzanna A.
Subject: Re: ZHE Application

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

Good morning again Suzie....pursuant to our conversation this morning I am again requesting the hearing be deferred. As I mentioned, I have contacted 7 of the neighbors on the "proof" list and all have verified that they did not receive a hearing letter and had no knowledge of the variance request. I do not have the e-mail address for ZHE and would appreciate your forwarding this to the hearing officer. I will go back to the individuals I have contacted and ask them to e-mail you before 5pm today with their statement. Thank you again for your assistance in this matter...Respectfully...Rich Glantz

On 12/13/2023 9:22 AM, Sanchez, Suzanna A. wrote:

Good morning,

Please confirm that you received the proof of notice that I sent yesterday.

Suzie

From: Richard Glantz <rgredneck@comcast.net>
Sent: Tuesday, December 12, 2023 5:08 PM
To: Sanchez, Suzanna A. <suzannasanchez@cabq.gov>
Subject: Re: ZHE Application

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

Thanks Suzie. I would still appreciate it if you would send me the list of the property owners so I might check with my neighbors to see if there might be a problem with USPS....Rich

On 12/12/2023 1:50 PM, Sanchez, Suzanna A. wrote:

I can confirm that the applicant for 2444 Iris provided proof of notice to property owners within 100 feet in a timely manner.

Suzie

From: Sanchez, Suzanna A.
Sent: Tuesday, December 12, 2023 1:07 PM
To: rgredneck@comcast.net
Subject: ZHE Application

Good afternoon,

Attached is the special exception application that was submitted for 2444 Iris.

Thank you,

Suzie



SUZIE FLORES

the administrative assistant

o 505.924.3894

e suzannasanchez@cabq.gov

cabq.gov/planning

Sanchez, Suzanna A.

From: Sandra Merriman <sandramerriman41@gmail.com>
Sent: Wednesday, December 13, 2023 10:15 AM
To: Sanchez, Suzanna A.
Subject: Construction at 2444 Iris Rd N W 87104.

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

This is Sandra Merriman at 2412 Don Pedro N W I did not receive notice of a meeting at Jackie Candelaria's residence. Would like to have meeting deferred until I have more information. Neighbors didn't receive notification either. Thank you Sent from my iPhone=

Sanchez, Suzanna A.

From: Joanne Keane <jmkot@msn.com>
Sent: Wednesday, December 13, 2023 11:14 AM
To: Sanchez, Suzanna A.
Subject: Re:2444 Iris NW

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

Dear Ms Sanchez,

I did not receive notification about the building changes at 2444 Iris NW. I am at 2528 Don Pedro NW.

I was notified by Rich Glantz my neighbor, yesterday .

Thank you

Joanne M. Keane, MOTR/L

505-550-4096

Sanchez, Suzanna A.

From: Richard Glantz <rgredneck@comcast.net>
Sent: Wednesday, December 13, 2023 12:50 PM
To: Sanchez, Suzanna A.
Subject: Objections to Proposed Carport Permit with Variance Request 2444 Iris NW
Attachments: Variance Objection.rtf

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

I've attached our objections as discussed for inclusion in your file VA-2023-00324/ VA-2023-00325 for the hearing on 12/19/2023.

Rich

Objections to File # VA-2023-00324/ VA-2023-00325

2444 Iris Rd Carport Permit with Variance Application

Carport and its variance is injurious to the property at 2512 Don Pedro NW. It devalues our property as it impacts line of sight, and resale value, and may potentially have affected our stucco wall footings when the licensed contractor for Ms Arguelles jackhammered/cemented in two metal poles 6 inches from our property line, plus one pole too close to a neighboring home property on 7/24/2023 over our request to cease construction until it could be sorted. We were blindsided by the construction start, contacted Ms Arguelles and her partner, Carlos, voiced our concerns and even had Ms Arguelles over to our house to show her. The licensed contractor should have been aware of setback limitations, advised his client, and not proceeded installing the base poles. There was no permit for the construction. City Inspector, Mark Trujillo, confirmed there was a line of sight problem when he inspected 2444 Iris Rd's carport construction on 7/26/2023, took photos, and visited our property and saw impact of the location of the unfinished carport. The proposed carport is 640sq ft, additionally altering the landscape view, will be metal, and not enhancing to the neighborhood.

There is major concern that the proposed carport with its variance is so close that monsoon rain runoff would negatively impact our property.

There is major concern should we use our outdoor fireplace that smoke would accumulate, be trapped beneath the carport, affecting the respiratory health of Ms Arguelles's family, and potentially ours as well.

Ms Arguelles assertion that her proposed carport location of 6 inches from a property line is consistent with similar structures, citing our pergola which had a valid city permit confirmed by Diego Gonzales from Enforcement, and its construction requirements being different than carports, should not be considered a valid reason for her variance request.

As named recipients of required written notice by Ms Arguelles of a hearing for her carport variance request 15 days prior to the hearing, we did not receive a notice, and neither did 7 other named recipients that were contacted to verify that perhaps we were not the only one not notified as required.

Ms Arguelles did not have to place part of her proposed carport 6 inches from our property as a deterrent to falling on ice and snow from her front door. The required setback limitations would have sufficed for that purpose. Albuquerque receives minimal ice and snow on average annually, the house was built almost 80 years ago with no dire need for carport safety during that time.

Additionally, Ms Arguelles had her contractor construct a carport on her property behind her house, which was completed on 7/25/2023, without the courtesy of notifying neighboring property owners. Neighbors complained and called 311 with their complaints. That carport was taken down as it to

violated setback limitations with those neighbors property, and re built. We, as owners of an impacted property, have no confidence in Ms Arguelles licensed contractor to finish her proposed carport with its variance.

Ms Arguelles has repeatedly failed to respond to City of Albuquerque's Code Enforcement's repeated letters concerning her carport construction without first obtaining a permit, which was required, according to Inspector, Mark Trujillo.

If the hearing officer denies the variance, it is further requested that the structural poles erected in July be removed in such a manner as to not further damage or threaten the foundation of the existing wall, ie cut off at ground level.

The attached photos might be helpful to visualize our objections.





Rich and Nancy Glantz

2512 Don Pedro NW

Sanchez, Suzanna A.

From: Joyce Barefoot <61j.a.barefoot@gmail.com>
Sent: Wednesday, December 13, 2023 4:47 PM
To: Sanchez, Suzanna A.
Subject: Re: ZHE Comments-2444 Iris

Follow Up Flag: Follow up
Flag Status: Completed

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

As per our conversation this morning, I am letting you know that I did not receive a letter regarding a carport variance request for 2444 Iris Road, NW. I understand you need this by 5 p.m. I would object to the carport if it will extend close to the fence that borders our property. Currently my view is not obstructed to a great extent by other buildings they have, but if I do not know the particulars for this carport, I don't know what is planned.

On Wed, Dec 13, 2023 at 3:41 PM Sanchez, Suzanna A. <suzannasanchez@cabq.gov> wrote:

Good afternoon,

Please forward me the comments relating to 2444 Iris.

Thank you,

Suzie



SUZIE FLORES

zhe administrative assistant

o 505.924.3894

e suzannasanchez@cabq.gov

cabq.gov/planning

Sanchez, Suzanna A.

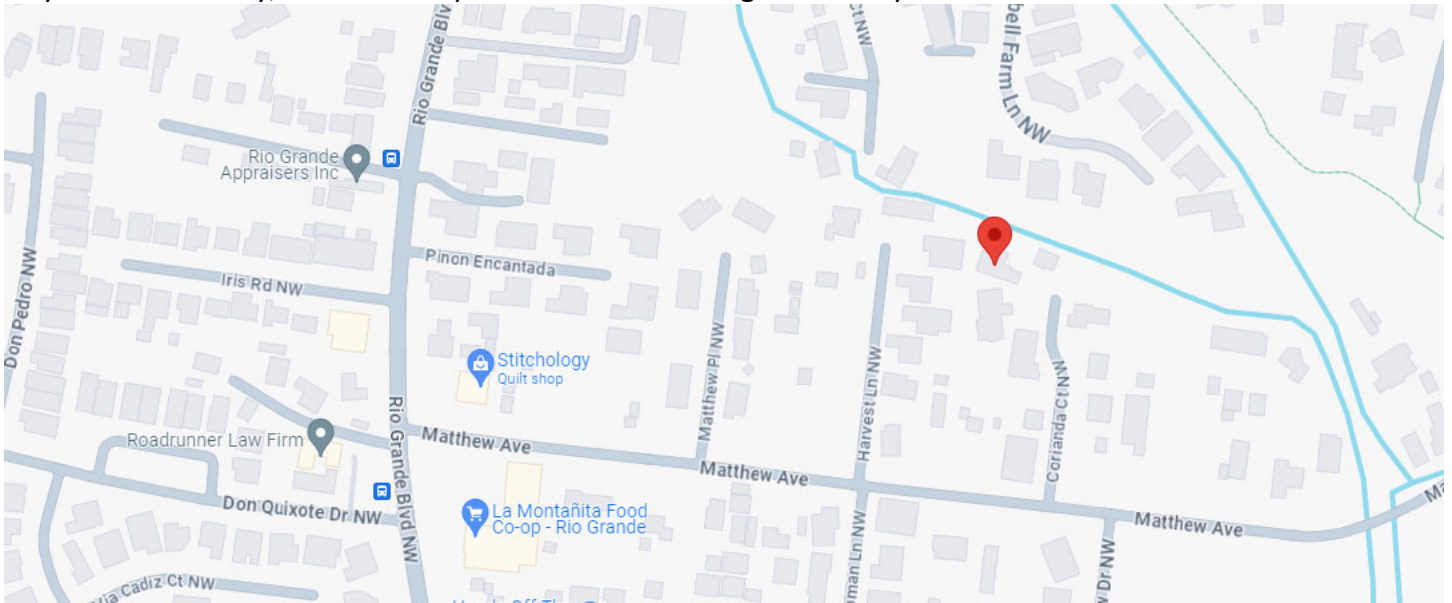
From: JACQUELINE ARGUELLES <jcandel40@msn.com>
Sent: Thursday, December 14, 2023 6:34 AM
To: Sanchez, Suzanna A.
Subject: Re: ZHE Public Notice-2444 Iris

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

Good morning Suzie,

The letters were mailed on 12/4, I purchased the stamps on 11/30. The date on the notice was 12/1/2023. I even sent the letter to the 2619 Coriander address which is much further than 100 feet from our property. (see below)

One of our neighbors at the east end of Iris asked me about the notice. I am happy to resend the letters today and have the post office postmark them and then take a photo of the postmark, certify mail them or hand deliver to anyone and take a photo. We are not trying to delay this process in any way. Unfortunately, I did not see your email until last night. Thank you.



From: Sanchez, Suzanna A. <suzannasanchez@cabq.gov>
Sent: Wednesday, December 13, 2023 8:36 AM
To: JACQUELINE ARGUELLES <jcandel40@msn.com>
Subject: RE: ZHE Public Notice-2444 Iris

Good morning,

I received a couple phone calls from neighbors stating that the letters were not received. Can you please confirm that the letters were mailed on 11/30?

Thank you,

Suzie

From: JACQUELINE ARGUELLES <jcandel40@msn.com>
Sent: Monday, December 4, 2023 1:55 PM
To: Sanchez, Suzanna A. <suzannasanchez@cabq.gov>
Subject: Re: ZHE Public Notice-2444 Iris

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

From: Sanchez, Suzanna A. <suzannasanchez@cabq.gov>
Sent: Wednesday, November 29, 2023 1:49 PM
To: JACQUELINE ARGUELLES <jcandel40@msn.com>
Subject: ZHE Public Notice-2444 Iris

Dear Applicant,

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

Owner	Complete Owner Address
LEATHERER CHRISTINA L	2408 DON PEDRO NW ALBUQUERQUE NM 87104-3060
NICOL GLENN R & ERIN L HAGENOW	2434 IRIS RD NW ALBUQUERQUE NM 87104-3009
ARELLANO LEO & MARJORIE	2504 DON PEDRO NW ALBUQUERQUE NM 87104-3062
ROYCE STEPHEN	PO BOX 7516 ALBUQUERQUE NM 87194
MCCULLOCH MARY CATHERINE	2508 DON PEDRO NW ALBUQUERQUE NM 87104-3062
MERRIMAN SANDRA L TRUSTEE MERRIMAN TRUST	2412 DON PEDRO NW ALBUQUERQUE NM 87104-3060
GLANTZ RICHARD E & NANCY R	2512 DON PEDRO NW ALBUQUERQUE NM 87104-3062
PENA-TRUJILLO ROSELLA TRUSTEE PENA-TRUJILLO RVT	2525 ABBY JEAN PL NW ALBUQUERQUE NM 87104-3083
GONZALES KAREN JOY	2440 IRIS RD NW ALBUQUERQUE NM 87104-3009
DESJACQUES KATHLEEN CONREY TRUSTEE DESJACQUES RVT	2516 DON PEDRO NW ALBUQUERQUE NM 87104-3063
PRDONPEDRO LLC	2619 CORIANDA CT NW ALBUQUERQUE NM 87104-3267
MCNEIL JULIANNE	2520 DON PEDRO NW ALBUQUERQUE NM 87104-3063
PERDIKAKIS BARBARA J TRUSTEE PERDIKAKIS TRUST	2533 ABBY JEAN PL NW ALBUQUERQUE NM 87104-3083
BAREFOOT JOYCE	2500 DON PEDRO NW ALBUQUERQUE NM 87104-3062
SCOTT JOAN B	2529 ABBEY JEAN PL NW ALBUQUERQUE NM 87104
DOMINGUEZ GARY	2417 IRIS RD NW ALBUQUERQUE NM 87104
JOHNSON ANN H TRUSTEE TRUST A JOHNSON RVT	2404 DON PEDRO NW ALBUQUERQUE NM 87104-3060
ARGUELLES JACQUELINE L & CARLOS	2444 IRIS RD NW ALBUQUERQUE NM 87104-3009
KEANE JOANNE M	2528 DON PEDRO NW ALBUQUERQUE NM 87104-3063
CONLEE AIMEE E	2430 IRIS RD NW ALBUQUERQUE NM 87104-3009
ARGUELLES L JAQUELINE	2444 IRIS RD NW ALBUQUERQUE NM 87104
BALDO-PULASKI JANISE	2441 IRIS RD NW ALBUQUERQUE NM 87104
BLEA JOHNSON GLORIA	2445 IRIS RD NW ALBUQUERQUE NM 87104-3008

Please forward me a copy of the letter and proof of notice by **Wednesday, December 13th.**

Lack of notice may result in a deferral.

Thank you,

Suzie



SUZIE FLORES

zhe administrative assistant

o 505.924.3894

e suzannasanchez@cabq.gov

cabq.gov/planning

Sanchez, Suzanna A.

From: JACQUELINE ARGUELLES <jcandel40@msn.com>
Sent: Thursday, December 14, 2023 10:46 AM
To: Sanchez, Suzanna A.
Subject: Re: ZHE New Evidence
Attachments: IMG_1575.jpeg; IMG_1576.jpeg; IMG_1578.jpeg; IMG_1587.jpeg; IMG_1586.jpeg; IMG_1579.jpeg; IMG_1581.jpeg

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

Here are the images we would like to add. Thank you.

Get [Outlook for iOS](#)

From: Sanchez, Suzanna A. <suzannasanchez@cabq.gov>
Sent: Thursday, December 14, 2023 9:14:43 AM
To: JACQUELINE ARGUELLES <jcandel40@msn.com>
Subject: RE: ZHE New Evidence

The photos can be shown if you are able to share your screen over Zoom or if you have the photos printed and have your video on. I would not be able to show them during your testimony. I am happy to add them to the file for the ZHE to review if you can send me those asap.

Suzie

From: JACQUELINE ARGUELLES <jcandel40@msn.com>
Sent: Thursday, December 14, 2023 6:49 AM
To: Sanchez, Suzanna A. <suzannasanchez@cabq.gov>
Subject: Re: ZHE New Evidence

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

Also meant to ask if we have photos to present at the hearing, do I submit those in advance to you?

Thank you

Get [Outlook for iOS](#)

From: Sanchez, Suzanna A. <suzannasanchez@cabq.gov>
Sent: Wednesday, December 13, 2023 6:38:58 PM
To: JACQUELINE ARGUELLES <jcandel40@msn.com>
Subject: ZHE New Evidence

Good afternoon,

Please see the attached comments that were received as new evidence. You will be given the opportunity to respond at the hearing next Tuesday.

Thank you,

Suzie



SUZIE FLORES

zhe administrative assistant

o 505.924.3894

e suzannasanchez@cabq.gov

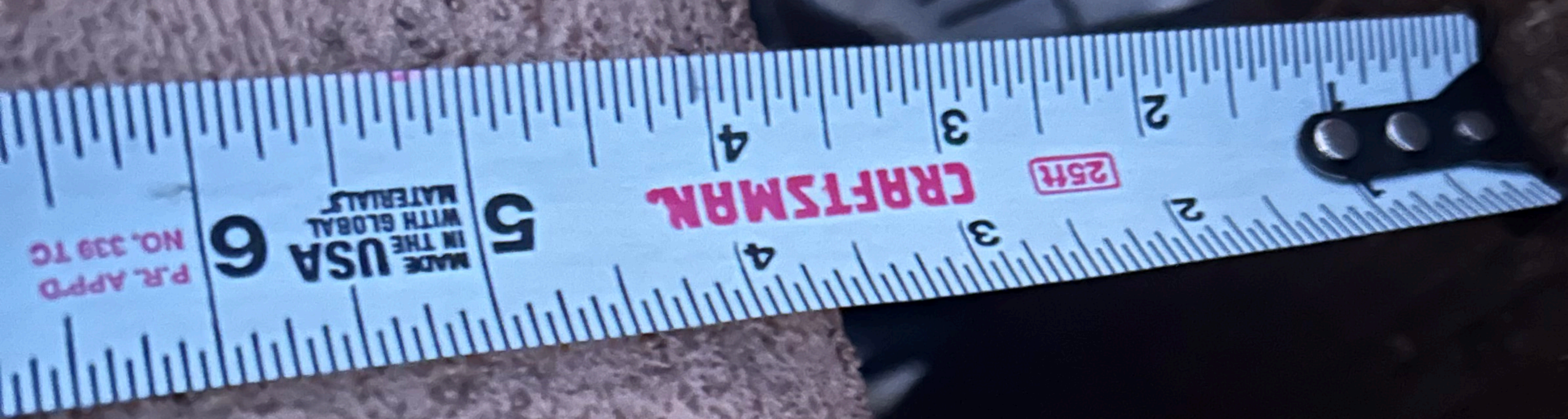
cabq.gov/planning











P.R. APP'D
NO. 339 TC

MADE IN THE USA
WITH GLOBAL MATERIALS

5

CRAFTSMAN

25ft

3

4

2

4

3

2

1

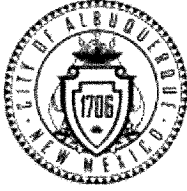
4

3

2







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

Jacqueline Arguelles requests a permit carport for Lot 13, Rancho Alegre, located at 2444 Iris RD NW, zoned R-A [Section 14-16-5-5(F)(2)(a)(3)]

Special Exception No: **VA-2023-00324**
Project No: **Project#2023-009519**
Hearing Date: 12-19-23
Closing of Public Record: 12-19-23
Date of Decision: 01-03-24

On the 19th day of December, 2023, property owner Jacqueline Arguelles (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a permit carport (“Application”) upon the real property located at 2444 Iris RD NW (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting permit-carport.
2. The City of Albuquerque Integrated Development Ordinance Section 14-16-6-6(G)(3) states: the criteria for a permit-carport:
 - a. *The proposed carport would strengthen or reinforce the architectural character of the surrounding area.*
 - b. *The proposed carport would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community.*
 - c. *The design of the carport complies with the provisions in Subsection 14-16-5-5(F)(2)(a)3 (Carports).*
 - d. *No carport wall is a hazard to traffic visibility, as determined by the Traffic Engineer.*
 - e. *The carport is not taller than the primary building on the lot.*
3. The Applicant bears the burden of ensuring there is evidence in the record supporting a finding that the above criteria are met under Section 14-16-6-4(N)(1).
4. All property owners within 100 feet and affected neighborhood associations were notified of the application.
5. The subject property is currently zoned R-A.
6. Agent appeared and gave evidence in support of the application.
7. Applicant has met its burden of providing evidence that establishes that the proposed carport would strengthen or reinforce the architectural character of the surrounding area. Applicant testified that the design of the carport comports with that of the residence on site and is in harmony with architecture of neighboring properties.
8. Applicant has met its burden of providing evidence that establishes that the proposed carport would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community. Applicant testified that the carport would not significantly impact views from adjacent properties given that the neighbor’s wall already obstructs their views, and that no

water from the carport would flow onto adjacent properties.

9. Applicant has met its burden of providing evidence that establishes that the proposed carport complies with IDO Subsection 14-16-5-5(F)(2)(a)(2)(a) (Carports).
10. The City Traffic Engineer issued a report indicating no objection to the proposed carport.
11. Applicant has met its burden of providing evidence that establishes that the proposed carport is not taller than the primary building on the lot. Applicant testified that the top of the carport would be lower than the primary residence on the lot.

DECISION:

APPROVAL of a permit-carport.

APPEAL:

If you wish to appeal this decision, you must do so by January 18, 2024 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
JACQUELINE ARGUELLES jcandel40@msn.com
Joyce Barefoot 61j.a.barefoot@gmail.com
Richard Glantz rgredneck@comcast.net
Joanne Keane jmkot@msn.com
Kit Desjacques kitdesjacques@gmail.com
Sandra Merriman sandramerriman41@gmail.com

ROBERT LUCERO:

And that takes us to agenda item items 15 and 16, which will be heard together. Those are VA 2023 00324 and two five, both listed under project number PR 2023 009519. Jacqueline Arguelles requests a permit carport for lot 13, Rancho Alegre, located at 2444 Iris Road Northwest, which is zoned R-A, and the same applicant requests a variance of two feet four inches to the required three-foot setback to a lot line for a carport at the same property. Uh, Ms. Argulles, are you there?

JACQUELINE ARGUELLES:

I am, sir.

ROBERT LUCERO:

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

JACQUELINE ARGUELLES:

Jacqueline Arguelles, 2444 Iris road, Northwest and Albuquerque, 87104.

ROBERT LUCERO:

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

JACQUELINE ARGUELLES:

Yes.

ROBERT LUCERO:

Thank you. Would you please describe the, uh, carport permit and variance?

JACQUELINE ARGUELLES:

Yes.

We are requesting a permit for a carport. We would like to build in, uh, in the front of our home. Um. It is a. So, it's just it's going to provide a coverage for our vehicles. Um, it's also going to provide, uh, some shade in the summertime and also, um, to protect the driveway from snow and ice when it does accumulate in the winter to avoid slip and fall accidents and, um, and to also to protect our vehicles. Um, a few months back, we had a couple of hailstorms back-to-back, which did, uh, damage two of our vehicles. Um, so it can run and turn into costly insurance claims, which we're trying to avoid also. Um, it was, uh, the carport will not, um, obstruct traffic views at all. We sit in at the end of the cul de sac. Um, so it won't obstruct any traffic views. It won't,

uh, obstruct any access for emergency vehicles. Uh, it is not a hazard to any adjacent properties. Um, I did submit some pictures of, um, similar shade structures that are on the property line, and they have been granted access or granted permission to build their, um, um, their shade structures, uh, like three inches from the property. I also submitted pictures of other, um, shade structures that run south of the property line. Um, that one. Yeah. West. West. Well, right in same property. I'm sorry. My husband is with me also. Um, uh, that have been constructed, um, and one of them with the wooden fence with the green, uh, covering, actually sits on top of the fence line. And then the one behind that is also very close to the property line. So. And, um, it will be, uh, professionally constructed by a contractor. Licensed contractor. And the material, uh, we have a pro panel roof, um, on our house. So, it will use the same material to cover, uh, the carport.

ROBERT LUCERO:

Thank you. Um, would there be any runoff of rain or snow from the carport onto neighboring properties?

JACQUELINE ARGUELLES:

No. It will all go onto our property, our driveway. Uh, which, uh, further south. And it will also have, um, gutters installed on that to prevent any runoff to, uh, neighboring properties.

ROBERT LUCERO:

Okay. Oh. Very good. Bear with me one second. And then, you know, we received several, um, emails, uh, stating that they're they didn't get, uh, mailed notice. It's unclear, uh, to me exactly where these opponents, uh, reside and whether they'd be entitled to notice. But I also see that you submitted a, um, response. Could you describe that, uh, what the steps you took to provide notice?

JACQUELINE ARGUELLES:

So, we've complied with all of the city's requests for emails to neighborhood associations, um, uh, uh, submitting letters to the list of peoples provided by the city. Um, I did notice a couple of them were far greater than 100ft, but I we still went ahead and submitted those. Um, we posted our sign, um, on the day requested and it's still posted now. Um, so, you know, I did talk to a few of the neighbors and they did say they received their notice. Um, I don't know if any of them are on the hearing right now, but so we did our due diligence to give everybody notice.

ROBERT LUCERO:

Okay. Very good. Bear with me just one second. Of course. And I do. See also that you submitted some photos. Uh. Uh, more recently than the application. Uh, tell me about these photos. It looks like they have a, uh, sort of like a shade structure or something like that.

JACQUELINE ARGUELLES:

Correct. So that is the one that is, uh, directly to the west of us, which is, uh, on our property line. They, uh, constructed a shade structure, um, and that one is three inches from the property line. And, um. So, you know, we're requesting the same, um, sort of permission to, to build our shade structure. And then, like I said, the other ones are further south, but on the same property line, um, that show, uh, similar type of shade structures.

ROBERT LUCERO:

And we did get a report here from the city traffic engineer stating no objection to the proposal.

JACQUELINE ARGUELLES:

Correct.

ROBERT LUCERO:

Uh, tell me about the variance part of it. Um, uh, it looks to me like this is sort of on a cul de sac like this. Is this really the only place that the, um, carport could be placed because of that shape?

JACQUELINE ARGUELLES:

Yes.

ROBERT LUCERO:

Okay. Very good. Anything else that you'd like to add for? I call for public comment.

JACQUELINE ARGUELLES:

Um, do you have anything?

CARLOS ARGUELLES:

No. Basically, we just like to have permission granted, as people have, have in the past been granted permission to build along the property line. Basically, we're just seeking the same permission.

ROBERT LUCERO:

Thank you. Let's get you sworn in, too. Just so I can, uh, make that part of the record, would you please state your full name and mailing address? For the record.

My name is Carlos Arguielles. My address is 2444 Irish Road, New Mexico, 87104.

ROBERT LUCERO:

Thank you. Sir, please raise your right hand. And do you affirm under penalty of perjury that your testimony today is true?

CARLOS ARGUELLES:

Yes, sir.

ROBERT LUCERO:

Thank you. Anything else to add, sir?

CARLOS ARGUELLES:

No thank you.

ROBERT LUCERO:

Well, let's see if there's any public comment. And if there is, then you'll have the chance to respond. So, for everyone here today, this is, uh, agenda item 15. Actually both 15 and 16. It's a request for a permit for a carport, as well as a variance to the carport setback requirement. And this is at 2444 iris northwest. Please raise your hand if you'd like to speak on that matter. I see Nancy glance with the hand raised. Are you there?

NANCY GLANTZ:

Yes. I'm here with my husband.

ROBERT LUCERO:

Oh. Thank you. Would you both like to testify?

NANCY GLANTZ:

Yes. We would. Thank you. Oh, good.

ROBERT LUCERO:

Would you please state your full names and mailing address for the record?

NANCY GLANTZ:

It's rich. Uh, Richard and Nancy Glantz. 2512 Don Pedro, northwest Albuquerque, New Mexico, 87104.

ROBERT LUCERO:

Thank you. Please raise your right hand. And do you both affirm, under penalty of perjury that your testimony today will be true?

NANCY & RICHARD GLANTZ:

We do, we do.

ROBERT LUCERO:

Thank you. Go ahead.

RICHARD GLANTZ:

Uh. Yes, sir. Thank you for the opportunity to speak out on this. Um, we have, uh, several bullet points, if you will, regarding this, uh, uh, carport, which I believe, uh, is an operative word. It is not a shade structure that is being built. It is a carport. And, uh, the IDO specifically differentiates between carports and shade structures. So, I'd like to clarify that to begin with, um, the, uh, the issue of lack of notice, uh, throughout this whole period, uh, has been become apparent. And even though they are Arguelles claim that they mailed their letters out, I found it very upsetting to find that 7 or 6 others of my neighbors along my street, uh, we are the most impacted, but also our neighbor to the north, uh, was none of us received letters. Uh, this was after, uh, Susie, uh, emailed me and showed the, uh, pictures of the letters and, uh, the attempt by the Arguelles to notify people. But the fact is, at a minimum, seven people did not get noticed and would probably some of them be here to, uh, contest this. So, uh, I'd like that to be on the record. And I also I would ask for a deferral in that case, because if people know about a hearing, there's certainly not going to be able to object to it. Uh, on issue 324, the permit itself, um, we live in a, uh, patio home community. The central part of a patio home is the patio. And that faces the Arguelles house. Uh, when we bought this house, there was a wood fence between us. We, with the permission of all our neighbors, including the Argylls, wanted to know if they would mind if we put up an eight-foot fence to separate our properties and give us more privacy. They agreed to it totally. Uh, and, uh, we put a notch in that eight-foot fence so that we could see the mountains from our house. That is the only part of our yard or our house entirely where we could. We had any view.

SUZANNE SANCHEZ:

And Robert, the time limit is up.

ROBERT LUCERO:

Thank you, Susie. Go ahead sir. If you finish that thought.

RICHARD GLANTZ:

Yeah. So? So now the only notch that we have to see the mountains is going to be obstructed by the carport. And the variance part of it applies totally. Um, uh, there's no reason for them to have had put that, uh, carport fence right up against our property line when they could have moved it over near their house. And I have other things to add, but I, I guess, did my time.

RICHARD GLANTZ:

Thank you. Sir. Uh, Miss Glantz, would you like to address the applications?

NANCY GLANTZ:

Uh, yes. My husband mentioned that we put up an eight foot, partially eight-foot fence. So, it was. It's actually an eight-foot wall. And, uh, the applicant put in, uh, started construction in July and, uh, put in those base poles six inches from our property line, and we, we called them right away and even had, um, Miss Argulles over to our home to show her the impact of what she was doing and asked her to please cease until we could sort it out with them. But they put the poles in any way they didn't have permit. Um, they, they could have. And we kind of believe that they may have damaged, uh, our wall foundation, uh, footings with their poles and, um, also that the, the pictures that we saw from the application does not represent in its entirety the, the entire carport that they're proposing. It is not a shade structure. It is a carport. And, um, it does not show the impact to our property or my neighbor's property who, uh, if she had been notified, would probably have objected. So, so it is injurious to us and, uh, our, our property values. Uh. Are impacted by our line of sight. It just is. It's very upsetting to us.

ROBERT LUCERO:

Thank. Thank you for that information.

NANCY GLANTZ:

If we had been out of town, I just want to say that if we had been out of town in July for two days, we would have come back to a complete two completed carports, one in the back of her home and the other in her front yard. She does have room in her back for another carport. She's got a lot of property back there. And the rear carport was also, uh, violated, uh, standard setback for carports. And it had to be it was knocked down and had to be rebuilt. So, um. I think that they did not follow proper procedure, getting a permit or following standard setbacks for carports in this case, and it really impacts that.

SUZANNE SANCHEZ:

Robert, the time limit is up.

ROBERT LUCERO:

Thank you, Susie. Uh, thank you, miss Lance. Did you finish that thought?

NANCY GLANTZ:

Uh, I think so, yes, sir.

ROBERT LUCERO:

Okay. Well, thank you both for your testimony. Uh, Mister. Mrs. Glantz.

NANCY & RICHARD GLANTZ:

Thank you, thank you.

ROBERT LUCERO:

Again, for everyone here in attendance. These are agenda items 15 and 16. And they're concerning a carport proposal at 2444 Iris NW. If you have not yet spoken and would like to provide public comment, please raise your hand. I am looking through the participants and I don't see anyone else indicating that they would like to speak. Again, please raise your hand to provide public comment on agenda items 15 and 16. Last call for public comment on agenda items 15 and 16. Okay, Mr. and Mrs. Arguelles are you there?

JACQUELINE ARGUELLES:

Yes, we're here.

ROBERT LUCERO:

There you are. Thank you. You heard the public comment. Would you like to respond?

JACQUELINE ARGUELLES:

Uh, yes. With regard to the poles that were put in damaging their wall, there was no damage to their wall.

CARLOS ARGUELLES:

Everything was done on our side. They are far enough away from their wall for them to claim to state that their wall may have been damaged.

JACQUELINE ARGUELLES:

Is incorrect.

CARLOS ARGUELLES:

It does not make any sense to me.

JACQUELINE ARGUELLES:

Also, also when they did build their 8-foot wall, uh they never gave we never received notice of that. They didn't show us plans for their wall or pergola. No, we didn't object to it, but however, the only reason they did come to talk to us about their wall and their pergola was to request access through our property on Iris Road to have their contractor use our property as access to build their structure and their wall which we granted them. However, they did not show us plans for their projects they did not ask us, well they don't ask us for permission.

CARLOS ARGUELLES:

We did not receive any written any written information regarding their 8-foot wall or the pergola. However, they did reach us to build the wall, but the only reason they reached out to us to build the wall is to give them access because you can't build a wall from one side especially a wall that size especially a wall that concrete with cinder blocks and all. So that is the only reason they reached out to us. Had they not needed us for anything we wouldn't had heard anything. Well, we said we don't know the rules 8-foot wall is good a pergola *inaudible* from the property line is fine. Again, the only reach they reached out to us is so they could build their wall, we granted them access, we made sure our vehicles were out of the way.

JACQUELINE ARGUELLES:

And also, yes, I did go over to their patio and did take a look um you know their did mention that dropdown and I did take a look at it. Umm, they have like maybe a 2 inch atop of the Sandia, but their 7 and slash 8-foot wall is what is really obstructing their view. So, I don't think its fair that we would not be able to build our carport/shade structure to protect our property just based on that. We only see it as increasing the value of our home and protecting our property.

ROBERT LUCERO:

Thank you for that additional information. While I appreciate all the testimony today and all the submittals, I will take it all under consideration and issue the written decision in fifteen days.

Planning Department
Alan Varela, Planning Director

Development Review Division

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

NOTICE OF APPEAL

January 25, 2024

TO WHOM IT MAY CONCERN:

The Planning Department received an appeal on January 22, 2024. You will receive a Notice of Hearing as to when the appeal will be heard by the **Land Use Hearing Officer**. If you have any questions regarding the appeal please contact Ernesto Alfredo Salas, Sr. 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 Michelle Montoya, Clerk to the Council, (505) 768-3100.

CITY COUNCIL APPEAL NUMBER: AC-24-7
PLANNING DEPARTMENT CASE FILE NUMBER:
PR-2023-009519, VA-2023-00324, VA-2024-00015

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