



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

Edward Standefer requests a variance of 5ft to the 3ft maximum wall height for Lot 6, Block 23, Parkland Hills Addn, located at 712 Carlisle Blvd SE, zoned R-1D [Section 14-16-5-7(D)]

Special Exception No:..... **VA-2020-00225**  
Project No: ..... **Project#2020-004085**  
Hearing Date: ..... 10-20-20  
Closing of Public Record: ..... 10-20-20  
Date of Decision: ..... 11-04-20

On the 20th day of October, 2020, property owner Edward Standefer (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 5ft to the 3ft maximum wall height (“Application”) upon the real property located at 712 Carlisle Blvd SE (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 5 ft to the 3 ft maximum wall height.
2. The City of Albuquerque Integrated Development Ordinance Section 14-16-6-6(N)(3)(c) Variance for a Taller Front or Side Yard Wall reads: “*A variance application for a taller front or side yard wall shall be approved by the Zoning Hearing Examiner, if and only if, the Zoning Hearing Examiner finds all of the following:*”
  - (1) *The proposed wall would strengthen or reinforce the architectural character of the surrounding area;*
  - (2) *The proposed wall would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community;*
  - (3) *The wall is proposed on a lot that meets any of the following criteria:*
    - a. *The lot is at least ½ acre;*
    - b. *The lot fronts a street designated as a collector or above in the LRTS guide;*
    - c. *At least 20 percent of the properties within 330 feet of the lot where the wall or fence is being requested have a wall or fence over 3 feet in the front yard.*
  - (4) *The design of the wall complies with any applicable standard in Section 14-16-5-7 (Walls and Fences), including, but not limited to Subsection 14-16-5-7(E)(2) (Articulation and alignment) and Subsection 14-16-5-7(E)(3) (Wall Design), and all of the following:*
    - a. *The wall or fence shall not block the view of any portion of any window on the front façade of the primary building when viewed from 5 feet above ground level at the centerline of the street in front of the house.*
    - b. *The design and materials proposed for the wall or fence shall reflect the architectural character of the surrounding area.*
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 association were notified of the application.
5. The subject property is currently zoned R1-D.
6. City Transportation issued a report stating that it does not object.
7. Based on evidence presented by Applicant, the proposed wall would strengthen or reinforce the architectural character of the surrounding area. Specifically, photographs were submitted showing several walls in the neighborhood. Although not all walls were of similar construction, it appears from the evidence that neighborhood architectural styles differ markedly. The proposed wall would not be out of character with the surrounding area, but rather would reinforce the architectural character of the neighborhood by being in harmony with the other improvements existing and proposed for the subject site.
8. Based on evidence presented by Applicant, the proposed wall would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community. Specifically, applicant provided testimony that the wall would enhance the safety of both the subject property and neighboring properties by discouraging trespassers from coming into the community and property, as apparently has occurred.
9. Based on photographs, maps and oral evidence presented by Applicant, at least 20 percent of the properties within 330 feet of the lot where the wall or fence is being requested have a wall or fence over 3 feet in the front yard area. Further, the subject lot fronts Carlisle Boulevard, a street designated as a collector or above in the LRTS Guide.
10. Based on evidence presented by Applicant, the design of the wall complies with any applicable standard in Section 14-16-5-7 (Walls and Fences), including, but not limited to Subsection 14-16-5-7(E)(2) (Articulation and alignment) and Subsection 14-16-5-7(E)(3) (Wall Design), and all of the following: (a) The wall or fence shall not block the view of any portion of any window on the front façade of the primary building when viewed from 5 feet above ground level at the centerline of the street in front of the house; and (b) The design and materials proposed for the wall or fence shall reflect the architectural character of the surrounding area.
11. The ZHE finds that the proper “Notice of Hearing” signage was posted for the required time period as required by Section 14-16-6-4(K)(3).
12. The ZHE finds that the Applicant has authority to pursue this Application.

DECISION:

APPROVAL of a variance of 5 ft to the 3 ft maximum wall height.

APPEAL:

If you wish to appeal this decision, you must do so by November 19, 2020 pursuant to Section 14-16-6-4(U), 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.



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Robert Lucero, Esq.  
Zoning Hearing Examiner

cc:

ZHE File  
Zoning Enforcement  
Edward Standefer, eddy@mysolar.com  
Alexandria Kazaras@salud.unm.edu  
Janet Buchbinder, 707 Parkland Cir, SE, 87108  
Henrietta Bauer, 700 Morningside DR SE, 87108



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

Edward Standefer requests a variance of 20ft to the 20ft required front yard setback for Lot 6, Block 23, Parkland Hills Addn, located at 712 Carlisle Blvd SE, zoned R-1D [Section 14-16-5-1]

Special Exception No:..... **VA-2020-00226**  
Project No: ..... **Project#2020-004085**  
Hearing Date: ..... 10-20-20  
Closing of Public Record: ..... 10-20-20  
Date of Decision: ..... 11-04-20

On the 20th day of October, 2020, property owner Edward Standefer (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 20ft to the 20ft required front yard setback (“Application”) upon the real property located at 712 Carlisle Blvd SE (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 20ft to the 20ft required front yard setback.
2. The City of Albuquerque Integrated Development Ordinance, Section 14-16-6-6(N)(3)(a) (Variance-Review and Decision Criteria) reads: “... an application for a Variance-ZHE shall be approved if it meets all of the following criteria:
  - (1) *There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.*
  - (2) *The Variance will not be materially contrary to the public safety, health, or welfare.*
  - (3) *The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.*
  - (4) *The Variance will not materially undermine the intent and purpose of the IDO or the applicable zone district.*
  - (5) *The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.”*
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. Applicant appeared and gave evidence in support of the application.
5. All property owners within 100 feet of the subject property and the affected neighborhood association were notified.
6. The subject property is currently zoned R1-D.

7. Based on evidence submitted by or on behalf of Applicant, it appears that there are special circumstances applicable to the Subject Property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid, as required by Section 14-16-6-6(N)(3)(a)(1). Specifically, the applicant testified and provided written evidence that, as compared to surrounding properties on the block, the residence has an irregular shaped footprint with a large backyard that wraps the back of the house. By contrast, surrounding properties are box shaped. Out of the 17 homes on the same block as the subject property, only two follow the current setback requirements, with one being the subject property. Increasing the footprint of one side of the residence would at least aim to match other properties on the block.
8. Based on evidence submitted by or on behalf of Applicant, the variance will not be contrary to the public safety, health and welfare of the community as required by Section 14-16-6-6(N)(3)(a)(2). Specifically, evidence was submitted supporting that, if granted approval, the Applicant intends to remodel and use the property in a manner that is consistent with the IDO and the Development Process Manual (DPM).
9. Based on evidence submitted by or on behalf of Applicant, the variance will not cause significant adverse material impacts on surrounding properties or infrastructure improvements in the vicinity as required by Section 14-16-6-6(N)(3)(a)(3). Specifically, the proposed wall is designed to be in harmony and consistency with what currently exists in the neighborhood, which was supported by photographic evidence and oral testimony.
10. Based on evidence submitted by or on behalf of Applicant, the variance will not materially undermine the intent and purpose of the IDO or applicable zone district as required by Section 14-16-6-6(N)(3)(a)(4). Specifically, Applicant presented evidence that the intent of IDO will still be met in that the subject site will continue the existing use and the proposed variance would merely add to the usability of the site.
11. Based on evidence submitted by or on behalf of Applicant, the variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties as required by Section 14-16-6-6(N)(3)(a)(5). Specifically, Applicant testified that any smaller setback variance would be ineffective. Thus, the applicant is not requesting more than what is minimally necessary for a variance.
12. City Transportation submitted a report stating no objection.
13. Various neighboring property owners testified and submitted written evidence, some in support and some in opposition to the requested variance.
14. The evidence in support of the Application centered on the proposal being in harmony with what already exists in the neighborhood.
15. The evidence in opposition to the Application focused on two issues: (i) objections to two-story construction, and (ii) a disagreement regarding a side boundary wall that is located on the opposite side of the property from where the related side-yard variance is requested on this property; neither of which issues are properly before the ZHE in this matter.
16. The proper "Notice of Hearing" signage was posted for the required time period as required by Section 14-16-6-4(K)(3).
17. The Applicant has authority to pursue this Application.

DECISION:

APPROVAL of a variance of 20ft to the 20ft required front yard setback.

APPEAL:

If you wish to appeal this decision, you must do so by November 19, 2020 pursuant to Section 14-16-6-4(U), 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.



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CITY OF ALBUQUERQUE  
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NOTIFICATION OF DECISION

Edward Standefer requests a variance of 10 ft to the 10ft required side yard setback for Lot 6, Block 23, Parkland Hills Addn, located at 712 Carlisle Blvd SE, zoned R-1D [Section 14-16-5-1]

Special Exception No:..... **VA-2020-00227**  
Project No: ..... **Project#2020-004085**  
Hearing Date: ..... 10-20-20  
Closing of Public Record: ..... 10-20-20  
Date of Decision: ..... 11-04-20

On the 20th day of October, 2020, property owner Edward Standefer (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 10 ft to the 10ft required side yard setback (“Application”) upon the real property located at 712 Carlisle Blvd SE (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 10 ft to the 10 ft required side yard setback.
2. The City of Albuquerque Integrated Development Ordinance, Section 14-16-6-6(N)(3)(a) (Variance-Review and Decision Criteria) reads: “... an application for a Variance-ZHE shall be approved if it meets all of the following criteria:
  - (1) *There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.*
  - (2) *The Variance will not be materially contrary to the public safety, health, or welfare.*
  - (3) *The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.*
  - (4) *The Variance will not materially undermine the intent and purpose of the IDO or the applicable zone district.*
  - (5) *The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.”*
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. Applicant appeared and gave evidence in support of the application.
5. All property owners within 100 feet of the subject property and the affected neighborhood association were notified.
6. The subject property is currently zoned R1-D.

7. Based on evidence submitted by or on behalf of Applicant, it appears that there are special circumstances applicable to the Subject Property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid, as required by Section 14-16-6-6(N)(3)(a)(1). Specifically, applicant testified and provided written evidence that, as compared to surrounding properties on the block, the residence has an irregular shaped footprint with a large backyard that wraps the back of the house. By contrast, surrounding properties are box shaped. Out of the 17 homes on the same block as the subject property, only two follow the current setback requirements, with one being the subject property. Increasing the footprint of one side of the residence would at least aim to match other properties on the block.
8. Based on evidence submitted by or on behalf of Applicant, the variance will not be contrary to the public safety, health and welfare of the community as required by Section 14-16-6-6(N)(3)(a)(2). Specifically, evidence was submitted supporting that, if granted approval, the Applicant intends to remodel and use the property in a manner that is consistent with the IDO and the Development Process Manual (DPM).
9. Based on evidence submitted by or on behalf of Applicant, the variance will not cause significant adverse material impacts on surrounding properties or infrastructure improvements in the vicinity as required by Section 14-16-6-6(N)(3)(a)(3). Specifically, the proposed wall is designed to be in harmony and consistency with what currently exists in the neighborhood, which was supported by photographic evidence and oral testimony.
10. Based on evidence submitted by or on behalf of Applicant, the variance will not materially undermine the intent and purpose of the IDO or applicable zone district as required by Section 14-16-6-6(N)(3)(a)(4). Specifically, Applicant presented evidence that the intent of IDO will still be met in that the subject site will continue the existing use and the proposed variance would merely add to the usability of the site.
11. Based on evidence submitted by or on behalf of Applicant, the variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties as required by Section 14-16-6-6(N)(3)(a)(5). Specifically, Applicant testified that any smaller setback variance would be ineffective. Thus, the applicant is not requesting more than what is minimally necessary for a variance.
12. City Transportation submitted a report stating no objection.
13. Various neighboring property owners testified and submitted written evidence, some in support and some in opposition to the requested variance.
14. The evidence in support of the Application centered on the proposal being in harmony with what already exists in the neighborhood.
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16. The proper "Notice of Hearing" signage was posted for the required time period as required by Section 14-16-6-4(K)(3).
17. The Applicant has authority to pursue this Application.

DECISION:



APPROVAL of a variance of 10 ft to the 10 ft required side yard setback.

APPEAL:

If you wish to appeal this decision, you must do so by November 19, 2020 pursuant to Section 14-16-6-4(U), 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.



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