



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

A & F Partners, LLC (Agent, Fritz Eberle) requests a variance of 8 ft to the required 30 ft building height within 100 ft of a regulated lot for Lot 17B, MRGCD Map 35, located at 2211 Rio Grande BLVD NW, zoned R-MH [Section 14-16-5-9(C)(1)]

Special Exception No: **VA-2022-00301**
Project No: **Project#2022-007722**
Hearing Date: 12-20-22
Closing of Public Record: 12-20-22
Date of Decision: 01-04-23

On the 20th day of December, 2022, Fritz Eberle, agent for property owner A & F Partners, LLC (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 8 ft to the required 30 ft building height within 100 ft of a regulated lot (“Application”) upon the real property located at 2211 Rio Grande BLVD NW (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 8 ft to the required 30 ft building height within 100 ft of a regulated lot.
2. 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).
3. 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).
4. Agent appeared at the ZHE hearing on this matter and gave evidence in support of the Application.
5. It appears from evidence in the record that the proper "Notice of Hearing" signage was not posted for the required time period.
6. Specifically, IDO Section 14-16-6-4(K)(4) requires that *“the applicant shall post at least 1 sign on each street abutting the property that is the subject of the application, at a point clearly visible from that street, for at least 15 calendar days before the public meeting or hearing, as applicable, and for the appeal period of 15 calendar days following any decision, required pursuant to Subsection 14-16-6-4(V)(3)(a)1.”*
7. Complainants allege, and Agent confirmed in sworn testimony, that the required posted sign was removed during a portion of the required time period.
8. This matter should be continued to allow Applicant to post sign notice in accordance with IDO requirements.

DECISION:

CONTINUANCE of the Application to the January 17, 2023 ZHE hearing, beginning at 9:00 a.m.

APPEAL:

If you wish to appeal this decision, you must do so by January 19, 2023 pursuant to Section 14-16-6-4(V), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for any related building permit or occupation tax number. Approval of a conditional use or a variance application is void after one year from date of approval if the rights and privileges are granted, thereby have not been executed, or utilized.



Robert Lucero, Esq.
Zoning Hearing Examiner

cc:

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CITY OF ALBUQUERQUE
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NOTIFICATION OF DECISION

A & F Partners, LLC (Agent, Fritz Eberle) requests a variance of 6 ft to the required 6 ft step-back from the street façade for Lot 17B, MRGCD Map 35, located at 2211 Rio Grande BLVD NW, zoned R-MH [Section 14-16-3-4(L)(4)]

Special Exception No: **VA-2022-00302**
Project No: **Project#2022-007722**
Hearing Date: 12-20-22
Closing of Public Record: 12-20-22
Date of Decision: 01-04-23

On the 20th day of December, 2022, Fritz Eberle, agent for property owner A & F Partners, LLC (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 6 ft to the required 6 ft step-back from the street façade (“Application”) upon the real property located at 2211 Rio Grande BLVD NW (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 6 ft to the required 6 ft step-back from the street façade.
2. 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).
3. 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).
4. Agent appeared at the ZHE hearing on this matter and gave evidence in support of the Application.
5. It appears from evidence in the record that the proper "Notice of Hearing" signage was not posted for the required time period.
6. Specifically, IDO Section 14-16-6-4(K)(4) requires that *“the applicant shall post at least 1 sign on each street abutting the property that is the subject of the application, at a point clearly visible from that street, for at least 15 calendar days before the public meeting or hearing, as applicable, and for the appeal period of 15 calendar days following any decision, required pursuant to Subsection 14-16-6-4(V)(3)(a)1.”*
7. Complainants allege, and Agent confirmed in sworn testimony, that the required posted sign was removed during a portion of the required time period.
8. This matter should be continued to allow Applicant to post sign notice in accordance with IDO requirements.

DECISION:

CONTINUANCE of the Application to the January 17, 2023 ZHE hearing, beginning at 9:00 a.m.

APPEAL:

If you wish to appeal this decision, you must do so by January 19, 2023 pursuant to Section 14-16-6-4(V), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for any related building permit or occupation tax number. Approval of a conditional use or a variance application is void after one year from date of approval if the rights and privileges are granted, thereby have not been executed, or utilized.



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