



HEARING ON SPECIAL EXCEPTIONS  
TO THE COMPREHENSIVE CITY ZONING CODE

**ZONING HEARING EXAMINER'S AGENDA**

TUESDAY, JANUARY 15, 2013 @ 9:00 A.M.  
PLAZA DEL SOL HEARING ROOM  
BASEMENT LEVEL  
600 SECOND STREET NW  
(ON THE NORTHEAST CORNER OF 2<sup>ND</sup> STREET AND ROMA NW)

**STAFF**

*Joshua J. Skarsgard, Esq., Zoning Hearing Examiner*

*Andrew Garcia, Ombudsman*

*Vanessa F. King, Administrative Hearing Office Liaison*

\*\*\*\*\*

**For Inquiries Regarding This Agenda, Please Call Vanessa F. King at (505) 768-4503.**

\*\*\*\*\*

**PLEASE ADDRESS ALL CORRESPONDENCE TO:**

***Joshua J. Skarsgard, Esq.***

***Office of Administrative Hearings***

***P.O. Box 1293***

***Albuquerque, NM 87103***

\*\*\*\*\*

**NOTICE TO PEOPLE WITH DISABILITIES:** *If you have a disability and you require special assistance to participate in this hearing, please contact Vanessa F. King at (505)768-4503.*

\*\*\*\*\*

**INTERPRETER REQUIRED:**

- |    |                  |                  |   |
|----|------------------|------------------|---|
| 1. | *IR* 12ZHE-80365 | Project# 1009498 | FLOR KARIME GUADERRAMA request(s) a special exception to Section 14-16-2-8(B)(1) and 14-16-2-6(B)(5): a CONDITIONAL USE for a proposed daycare for up to 12 children for all or a portion of Lot(s) 59, BRIAR RIDGE AT VENTANA RANCH zoned R-LT, located on 7723 STADLER AV NW (B-9)<br><br>DEFERRED 2/19/13. |
|----|------------------|------------------|---|

**OLD BUSINESS:**

- |    |             |                  |  |
|----|-------------|------------------|--|
| 2. | 11ZHE-80186 | Project# 1008905 | MARIA RODRIGUEZ (MARIA BETANCOURT, AGENT) request(s) a special exception to Section 14-16-2-5(B), 14-16-2-4(B)(1) and 14-16-2-6(B)(1): a CONDITIONAL USE to allow an existing building to be used as an accessory living quarters for all or a portion of Lot(s) 16, BOULEVARD GARDENS zoned RA-2, located on 2508 ORO VISTA RD NW (G-12)<br><br>APPROVED. |
| 3. | 12ZHE-80276 | Project# 1009421 | ABED AWWAD request(s) a special exception to Section 14-16-2-17(B)(11): a CONDITIONAL USE for outside activity for a proposed retail food sales for all or a portion of Lot(s) 1, TOWNSEND ADDITION zoned C-2, located on 6102 CENTRAL AVE SW (K-11)<br><br>APPROVED WITH CONDITIONS.  |

4. **12ZHE-80295**      **Project#**      **ROGER STOESZ** request(s) a special exception to Section 14-16-3-19(A)(2)(a): a VARIANCE of 3' to allow an existing fence in the front yard setback area for all or a portion of Lot(s) 12, Block(s) 8, KIRTLAND PARK ADDN zoned R-1, located on **1308 SAN JOSE AV SE** (M-15)  
**1009437**  
**APPROVED WITH CONDITIONS.**
5. **12ZHE-80296**      **Project#**      **ROGER STOESZ** request(s) a special exception to Section 14-16-2-6(B)(14): a CONDITIONAL USE to allow an existing 6' wall in the side yard setback on a corner lot for all or a portion of Lot(s) 12, Block(s) 8, KIRTLAND PARK ADDN zoned R-1, located on **1308 SAN JOSE AV SE** (M-15)  
**1009437**  
**APPROVED WITH CONDITIONS.**
6. **12ZHE-80301**      **Project#**      **RANDALL DICKENNS** request(s) a special exception to Section 14-16-3-19(A)(3)(B): a VARIANCE of 2' 9" to the allowed 3' height for an existing wall in the side yard corner setback area for all or a portion of Lot(s) 39, Block(s) 9, MESA ARRIBA SUBDIVISION zoned R-1, located on **3204 PITT CT NE** (G-21)  
**1009450**  
**APPROVED WITH CONDITIONS.**
7. **12ZHE-80308**      **Project#**      **RANDALL DICKENNS** request(s) a special exception to Section 14-16-3-19(A)(2)(a): a VARIANCE of 5' to the allowed 3' height for an existing wall in the front yard setback area for all or a portion of Lot(s) 39, Block(s) 9, MESA ARRIBA SUBDIVISION zoned R-1, located on **3204 PITT CT NE** (G-21)  
**1009450**  
**APPROVED WITH CONDITIONS.**
8. **12ZHE-80309**      **Project#**      **RANDALL DICKENNS** request(s) a special exception to Section 14-16-3-14(A)(2)(9): a VARIANCE 7' to the allowed height for an existing wall in the side yard corner setback area for all or a portion of Lot(s) 39, Block(s) 9, MESA ARRIBA SUBDIVISION zoned R-1, located on **3204 PITT CT NE** (G-21)  
**1009450**  
**APPROVED WITH CONDITIONS.**
9. **12ZHE-80310**      **Project#**      **RANDALL DICKENNS** request(s) a special exception to Section 14-16-3-19(A)(1)(9): a VARIANCE of 2' to the allowed 8' height for an existing rear yard wall for all or a portion of Lot(s) 39, Block(s) 9, MESA ARRIBA SUBDIVISION zoned R-1, located on **3204 PITT CT NE** (G-21)  
**1009450**  
**APPROVED.**
10. **12ZHE-80311**      **Project#**      **RANDALL DICKENNS** request(s) a special exception to Section 14-16-3-3(B)(2)(e): a VARIANCE of 2' 6" to the required 10' separation from a dwelling for a proposed shed for all or a portion of Lot(s) 39, Block(s) 9, MESA ARRIBA SUBDIVISION zoned R-1, located on **3204 PITT CT NE** (G-21)  
**1009450**  
**APPROVED.**
11. **12ZHE-80312**      **Project#**      **RANDALL DICKENNS** request(s) a special exception to Section 14-16-3-3(B)(2)(4): a VARIANCE of 5' to the allowed 3' height for an existing shed on a side yard corner lot for all or a portion of Lot(s) 39, Block(s) 9, MESA ARRIBA SUBDIVISION zoned R-1, located on **3204 PITT CT NE** (G-21)  
**1009450**  
**APPROVED.**
12. **12ZHE-80313**      **Project#**      **RANDALL DICKENNS** request(s) a special exception to Section 14-16-2-6(B)(3): a CONDITIONAL USE for a proposed carport in the side yard setback area for all or a portion of Lot(s) 39, Block(s) 9, MESA ARRIBA SUBDIVISION zoned R-1, located on **3204 PITT CT NE** (G-21)  
**1009450**  
**APPROVED.**

13. **12ZHE-80326**      **Project#**      **JOSE L. ACOSTA** request(s) a special exception to Section 14-16-2-6(B)(14)(a)(1) and 14-16-2-8(B)(1): a **CONDITIONAL USE** to allow a proposed 5' wall in the front yard setback area for all or a portion of Lot(s) 9-P1, Block(s) 9, EL RANCHO GRANDE 1 UNIT 1 zoned R-LT, located on **1701 MINER AVE SW (M-9)**  
**1009471**
- APPROVED WITH CONDITIONS.**
14. **12ZHE-80364**      **Project#**      **BRIAN GONZALES** request(s) a special exception to Section RIO BRAVO and 14-16-2-8(B)(1) and 14-16-2-6(B)(14): a **CONDITIONAL USE** to allow an existing 5' wall in the front yard setback area for all or a portion of Lot(s) 4-P1, Block(s) 10, EL RANCHO GRANDE UNIT 2 zoned R-LT, located on **8304 CAMINO SAN MARTIN SW (M-9)**  
**1009497**
- APPROVED WITH CONDITIONS.**
15. **12ZHE-80362**      **Project#**      **JEFFREY MACE & KARIN PHAM** request(s) a special exception to Section 14-16-2-6(B)(7): a **CONDITIONAL USE** to allow a proposed home occupation for massage therapy, acupuncture and yoga for all or a portion of Lot(s) 3, Block(s) 12, ACADEMY PLACE UNIT 5 zoned R-1, located on **10408 MALAGUENA LN NE (E-21)**  
**1009495**
- DEFERRED 2/19/13.**
16. **12ZHE-80322**      **Project#**      **WESTERN REFINING SOUTHWEST, INC., (STEVEN REINHART OR JERRY A. HAMM)** request(s) a special exception to Section 14-16-2-17(B)(15): a **CONDITIONAL USE** to allow retail sale of alcoholic drinks for consumption off premises for all or a portion of Lot(s) 3,4,5, Block(s) 8, FARR-FRECERICK A ADDN zoned C-2, located on **7011 LOMAS BLVD NE (J-18)**  
**1009466**
- DEFERRED 2/19/13.**

**NEW BUSINESS:**

17. **12ZHE-80377**      **Project#**      **MURPHY OIL USA INC., GREGORY WILSON (JERRY HAMM, AGENT)** request(s) a special exception to Section 14-16-2-17(B)(18): a **CONDITIONAL USE** to allow retail sales of alcoholic beverages for consumption off premise for all or a portion of Lot(s) A1A1, Block(s) A1A1, AMERICAN SQUARE zoned C-2, located on **3535 MENAUL BLVD NE (H-16)**  
**1008124**
- DEFERRED 2/19/13.**
18. **12ZHE-80371**      **Project#**      **MARCOS MENDOZA** request(s) a special exception to Section 14-16-3-3(B)(2)(e): a **VARIANCE** of 9' to the required 10' separation for an existing carport in the side yard setback area for all or a portion of Lot(s) 37, Block(s) 4, RINCON PHASE 4 zoned R-D, located on **4917 ROSEMARY DR NW (F-10)**  
**1009515**
- APPROVED WITH CONDITIONS.**

\*\*\*\*\***LUNCH BREAK**\*\*\*\*\*

**HEARING WILL RESUME PROMPTLY**  
**AT 1:30 P.M. WITH ITEM #19**

**IF YOU ARE AGENDA ITEMS 19-38**

**PLEASE COME TO THE HEARING AT 1:30 P.M.**

19. **12ZHE-80372** **Project# 1009518** **DENNIS KING** request(s) a special exception to Section 14-16-3-3(B)(2)(e): a VARIANCE of 8' to the minimum 10' separation requirement between an existing carport and a dwelling unit in a R-1 zone for all or a portion of Lot(s) 25, Block(s) 5, GUTIERREZ- OFIMIANO J LOWER TERRACE zoned R-1, located on **4601 PIEDRA LIZA ST NE** (F-20)  
**APPROVED.**
20. **12ZHE-80385** **Project# 1009532** **DUFF WESTBROOK AND CECILY COLBERT (GARCIA/KRAEMER & ASSOCIATES, AGENT)** request(s) a special exception to Section 14-16-3-3(B)(2)(e): a VARIANCE of 5' to the required 10' separation from a dwelling for an existing accessory structure for all or a portion of Lot(s) 67D, MRGCD MAP 31 zoned R-A2, located on **1735 GRIEGOS RD NW** (F-13)  
**APPROVED.**
21. **12ZHE-80386** **Project# 1009533** **MIGUEL GALLEGOS (LORENZO VIGIL, AGENT)** request(s) a special exception to Section 14-16-3-10(E)(3)(b): a VARIANCE of 6' to the required 6' side landscape buffer for a proposed addition for all or a portion of Lot(s) 3, EAST END ADDN zoned O-1, located on **8004 CONSTITUTION PL NE** (J-19)  
**APPROVED.**
22. **12ZHE-80378** **Project# 1009527** **MOHAMMAD R. ZAMANIAN** request(s) a special exception to Section 14-16-3-1(H)(1): a VARIANCE of 2' 6" to the required sidewalk width for a proposed building for all or a portion of Lot(s) 1A, 3, 4, Block(s) 3, ENCHANTED MESA zoned C-1, located on **11505 MENAUL BLVD NE** (H-22)  
**APPROVED.**
23. **12ZHE-80380** **Project# 1009527** **MOHAMMAD R. ZAMANIAN** request(s) a special exception to Section 14-16-3-1(E)(3)(b): a VARIANCE of 6' to the required 6' wide landscape buffer to the north for a proposed building for all or a portion of Lot(s) 1A, 3, 4, Block(s) 3, ENCHANTED MESA zoned C-1, located on **11505 MENAUL BLVD NE** (H-22)  
**APPROVED.**
24. **12ZHE-80381** **Project# 1009527** **MOHAMMAD R. ZAMANIAN** request(s) a special exception to Section 14-16-3-1(E)(3)(b): a VARIANCE of 6' to the required 6' wide landscape buffer to the south for a proposed building for all or a portion of Lot(s) 1A, 3, 4, Block(s) 3, ENCHANTED MESA zoned C-1, located on **11505 MENAUL BLVD NE** (H-22)  
**APPROVED.**
25. **12ZHE-80373** **Project# 1009520** **BENJAMIN YOUNG** request(s) a special exception to Section 14-16-3-19(A)(2)(a): a VARIANCE of 2' to the 6' maximum height to allow a proposed 8' wall in the rear yard setback area for all or a portion of Lot(s) 4, Block(s) 1, SAGE CREST zoned R-1, located on **5908 MARIAH CT NW** (E-11)  
**APPROVED.**
26. **12ZHE-80382** **Project# 1009529** **FULLER HOMES (GERALD GABEL, AGENT)** request(s) a special exception to Section 14-6-3-19(A)(1)(a): a VARIANCE of 3' to an existing 8' wall in the side and rear yard setback area for all or a portion of Lot(s) 59-P1, AUTUMN VIEW zoned R-D R-1, located on **7112 VIGO AVE SW** (L-10)  
**APPROVED.**
27. **12ZHE-80376** **Project# 1009525** **JAMES AND TERESA BROWN (BRUCE GLINSKI, AGENT)** request(s) a special exception to Section 14-16-2-6(E)(4)(a): a VARIANCE of 4' to the required 10' side yard setback for a proposed addition for all or a portion of Lot(s) 19, Block(s) C, CASA GRANDE MANOR zoned R-1, located on **2816 CASA DEL NORTE DR NE** (H-23)  
**APPROVED.**

28. **12ZHE-80379**      **Project#**      **KEVIN ROESSLER (SANTIAGO ACEVES, AGENT)** request(s) a special exception to Section 14-16-2-6(E)(1): a VARIANCE of 6' to the 20' front yard setback area to allow a proposed addition for all or a portion of Lot(s) 5, Block(s) 8, MESA COURT ADDN zoned R-1, located on **3818 ANDERSON AVE SE (L-17)**  
**1009528**  
**APPROVED.**
29. **12ZHE-80387**      **Project#**      **JOE ARMIJO** request(s) a special exception to Section 14-16-4-13: a STATUS ESTABLISHED BUILDING REVIEW for 4 dwellings in a R-1 zone for all or a portion of Lot(s) 9, Block(s) 2, GREEN ACRES zoned R-1, located on **910 GREEN ACRES PLACE NW (H-12)**  
**1009534**  
**APPROVED.**
30. **12ZHE-80367**      **Project#**      **DIANA G. ORTIZ** request(s) a special exception to Section 14-16-2-6(B)(3): a CONDITIONAL USE to allow an existing carport in the front yard setback area for all or a portion of Lot(s) 66, BELL PARK VILLA TOWNHOUSES AMENDED zoned RT, located on **8327 SHAWNEE PL SE (L-19)**  
**1009507**  
**APPROVED WITH CONDITIONS.**
31. **12ZHE-80375**      **Project#**      **PENNY HOLLAND** request(s) a special exception to Section 14-16-2-6(B)(3): a CONDITIONAL USE for a proposed carport in the side yard setback area for all or a portion of Lot(s) 12, Block(s) 10, LOMA VISTA ADDN zoned R-1, located on **1024 SUMMIT DR NE (J-16)**  
**1009523**  
**APPROVED WITH CONDITIONS.**
32. **12ZHE-80384**      **Project#**      **JAMES BUTSCHER** request(s) a special exception to Section 14-16-2-6(B)(3): a CONDITIONAL USE to allow a proposed carport in the front yard setback area for all or a portion of Lot(s) 4, Block(s) C, SOMBRE DEL MONTE zoned R-1, located on **2712 VERMONT ST NE (H-19)**  
**1009531**  
**APPROVED WITH CONDITIONS.**
33. **12ZHE-80369**      **Project#**      **SUSAN SALAZAR** request(s) a special exception to Section 14-16-2-9(A) (2) and Page 71, SU-2 R-1 of the Barelvas Sector Development Plan: a CONDITIONAL USE for a proposed second dwelling unit in a SU-2 R-1 zone for all or a portion of Lot(s) 21&22, Block(s) 3, JOHN LEE ADDITION zoned SU-2 R-1, located on **443 PACIFIC NW (K-14)**  
**1009298**  
**APPROVED.**
34. **12ZHE-80374**      **Project#**      **TONY MAITLEN** request(s) a special exception to Section 14-16-2-6(B)(1) and Page 107 SU-2 SFHD of the Nob Hill Highland Sector Development Plan: a CONDITIONAL USE to allow a proposed accessory living quarters in the backyard setback area for all or a portion of Lot(s) 3, Block(s) 19, MONTE VISTA ADDITION zoned SFHD, located on **432 LAFAYETTE PLACE NE (K-16)**  
**1009522**  
**APPROVED WITH CONDITIONS.**
35. **12ZHE-80388**      **Project#**      **PAUL PELOQUIN** request(s) a special exception to Section 14-16-2-6(B)(14): a CONDITIONAL USE to allow a proposed 5' wall in the front yard setback area for all or a portion of Lot(s) 4, Block(s) 11A, MESA DEL NORTE zoned R-1, located on **901 GROVE ST NE (J-19)**  
**1009535**  
**APPROVED WITH CONDITIONS.**
36. **09ZHE-80423**      **Project#**      **AP 5200 2ND STREET LLC., WILLIAM SHAFFER (DANIEL E. SLADE, AGENT)** request(s) a special exception to Section 14-16-2-18(B)(1) and 14-16-2-17(B)(3): a CONDITIONAL USE to allow an existing church in a C-3 zone for all or a portion of Lot(s) 42 & 43, EASTVALE ADDN zoned C-3, located on **5202 2ND ST NW (F-15)**  
**1008115**  
**APPROVED.**

37. **12ZHE-80370**      **Project#**      **DAVID BEZY** request(s) a special exception to Section 14-16-2-18(B)(8): a  
**1009512**      **CONDITIONAL USE** to allow an existing storage of vehicles for a period  
longer than one week or more for all or a portion of Lot(s) 30, Block(s) 20,  
EAST CENTRAL BUSINESS ADDN zoned SU-2 C-3, located on **311**  
**MURIEL ST NE (K-21)**  
**APPROVED WITH CONDITIONS.**
38. **12ZHE-80383**      **Project#**      **SABIO JUAN TABO, LLC, (SIMON “SCOOTER” HAYNES, AGENT)**  
**1009530**      request(s) a special exception to Section 14-16-2-18(B)(7) of the East  
Gateway Sector Development Plan: a **CONDITIONAL USE** to allow  
manufacturing, assembling or treating articles, provided it is conducted  
within a completely enclosed building for all or a portion of Lot(s) 30-A,  
Block(s) 18, EAST CENTRAL BUSINESS ADDITION zoned SU-2 C-3,  
located on **201 JUAN TABO BLVD NE (L-21)**  
**APPROVED WITH CONDITIONS.**