

NO ACTION IS TAKEN ON THESE CASES:
APPLICANT - AGENT IS REQUIRED TO BE AT THE MEETING

10. ~~Project#-1007419~~
08DRB-70438 SKETCH PLAT
REVIEW AND COMMENT

CARLOS MARTINEZ agent(s) for MARIA & RAYMOND FUNES request(s) the above action(s) for all or a portion of Lot(s) 15-16, Block(s) H, **ATLANTIC & PACIFIC** zoned SU-2 RG, located on ATLANTIC SW BETWEEN 2ND ST SW AND 3RD ST SW containing approximately .0607 acre(s). (K-14) **THE ABOVE ITEM WAS REVIEWED AND COMMENTS WERE GIVEN.**

11. **Project# 1007503**
08DRB-70435 SKETCH PLAT
REVIEW AND COMMENT

BRUCE W. DAVIS request(s) the above action(s) for all or a portion of Lot(s) 12-15, Block(s) C, **ATLANTIC & PACIFIC ADDITION** zoned SU-2 WD, located on STOVER AVE SW BETWEEN 1ST ST SW AND 2ND ST SW containing approximately .29 acre(s). (K-14) **THE ABOVE ITEM WAS REVIEWED AND COMMENTS WERE GIVEN.**

12. **Project# 1007504**
08DRB-70436 SKETCH PLAT
REVIEW AND COMMENT

SURV-TEK INC agent(s) for THE BINDRA FAMILY TRUST request(s) the above action(s) for all or a portion of Tract(s) E-4, **ALBUQUERQUE SOUTH UNIT THREE** zoned C-2, located on GIBSON BLVD SW BETWEEN 98TH ST SW AND DE ANZA DR SW containing approximately 27.8174 acre(s). (M-9) **THE ABOVE ITEM WAS REVIEWED AND COMMENTS WERE GIVEN.**

13. **Project# 1007505**
08DRB-70437 SKETCH PLAT
REVIEW AND COMMENT

SEAN GILLIAN agent(s) for TREVESTON ELLIOTT ARCHITECT request(s) the above action(s) for all or a portion of Lot(s) 21-25, Block(s) 39, **RAYNOLDS ADDITION** zoned SU-2 R-2, located on IRON SW BETWEEN 9TH ST SW AND 8TH ST SW (K-13) **THE ABOVE ITEM WAS REVIEWED AND COMMENTS WERE GIVEN.**

14. Other Matters: Approval of minutes:

June 18, 2008
June 25, 2008
July 9, 2008

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CITY OF ALBUQUERQUE

PLANNING DEPARTMENT

October 15, 2008

DRB Comments

ITEM # 10

PROJECT # 1007419

APPLICATION # 08-70438

RE: Lots 15-16, Block H, Atlantic & Pacific Addition

The site is zoned SU-2/ R-G (Barelas Sector Development Plan):

(E) *Setback.*

(1) There shall be a front-yard setback of not less than 15 feet except that the length of a driveway shall be not less than 20 feet.

(3) There shall be a side-yard setback of not less than five feet

(4) (a) There shall be a rear-yard setback of not less than 15 feet

(5) There shall be a distance of not less than ten feet between residential buildings.

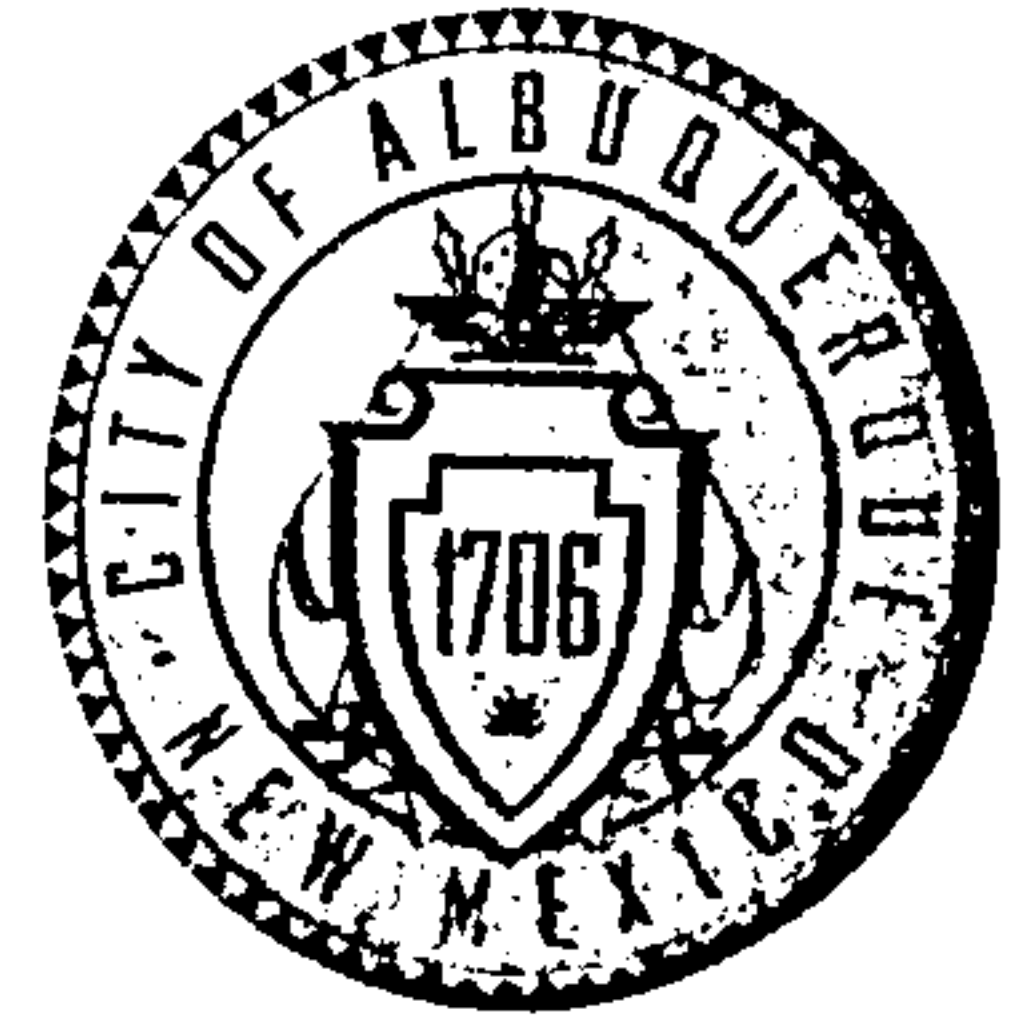
It appears Variances would be required for No. 3 and No. 5; this should be discussed with the Zoning division of the Planning Department. That is also where a Variance application would be submitted, which would then be heard by the Zoning Hearing Examiner.



Jack Cloud AICP, DRB Chairman

924-3880/ jcloud@cabq.gov

CITY OF ALBUQUERQUE



CITY OF ALBUQUERQUE PLANNING DEPARTMENT HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: 1007419

AGENDA ITEM NO: 10

SUBJECT:

Sketch Plat/Plan

ACTION REQUESTED:

REV/CMT:(x) APP:() SIGN-OFF:() EXTN:() AMEND:()

PO Box 1293

ENGINEERING COMMENTS:

No adverse comments.

Albuquerque

NM 87103

RESOLUTION:

APPROVED ____; DENIED ____; DEFERRED ____; COMMENTS PROVIDED X; WITHDRAWN

www.cabq.gov

SIGNED-OFF: (SEC-PLN) (SP-SUB) (SP-BP) (FP) BY: (UD) (CE) (TRANS) (PKS) (PLNG)

DELEGATED: (SEC-PLN) (SP-SUB) (SP-BP) (FP) TO: (UD) (CE) (TRANS) (PKS) (PLNG)

FOR:

SIGNED: Bradley L. Bingham
City Engineer/AMAFCA Designee
924-3986

DATE: October 15, 2008

ENCROACHMENT AGREEMENT

THIS AGREEMENT, made and executed this 11th day of November, 1999, by and between ALEX C. SALAZAR III and MONICA C. SALAZAR, husband and wife (hereinafter SALAZAR), and JOSE R. FUNES and MARIA FUNES, his wife, and RAYMOND FUNES (hereinafter FUNES);

WITNESSETH:

WHEREAS, SALAZAR is currently the Owner of that certain real property being more particularly described as follows:

Lot numbered Fifteen (15) in Block lettered "H" of the ATLANTIC & PACIFIC ADDITION to the City of Albuquerque, New Mexico, as the same is shown and designated on the Map of said Addition, filed in the Office of the Probate Clerk and Ex-Officio Recorder of Bernalillo County, New Mexico on April 24, 1888.

(hereinafter the SALAZAR Property); and

WHEREAS, FUNES is currently the Owner of that certain real property being more particularly described as follows:

Lot numbered Sixteen (16) in Block lettered "H" of the ATLANTIC and PACIFIC ADDITION to the City of Albuquerque, New Mexico, as the same is shown and designated on the Map of said Addition, filed in the Office of the Probate Clerk and Ex-Officio Recorder of Bernalillo County, New Mexico on the 24th day of April, 1888.

(hereinafter the FUNES Property); and

WHEREAS, a portion of the SALAZAR residence (hereinafter Improvement) encroaches upon the FUNES Property as shown on Exhibit "A", attached hereto, and made a part hereof by reference; and

WHEREAS, the parties hereto desire to enter into an encroachment agreement providing for the encroachment of said Improvement.



Judy D Woodward Berr Co AGRE R 13 6S

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Page 1 of 4
11/16/1999 62 3SP
BX-9915 Pg-2583

Jack 1007419
will you
Please enter
this Encroch Agg
into Record
San Diego Funes
247-9628

Vertical text on the right margin, possibly a stamp or reference code.

NOW, THEREFORE, in consideration of the above and other good and valuable consideration, the receipt of which is hereby acknowledged, it is agreed as follows:

1. The parties acknowledge that the Improvement encroaches onto the FUNES Property.

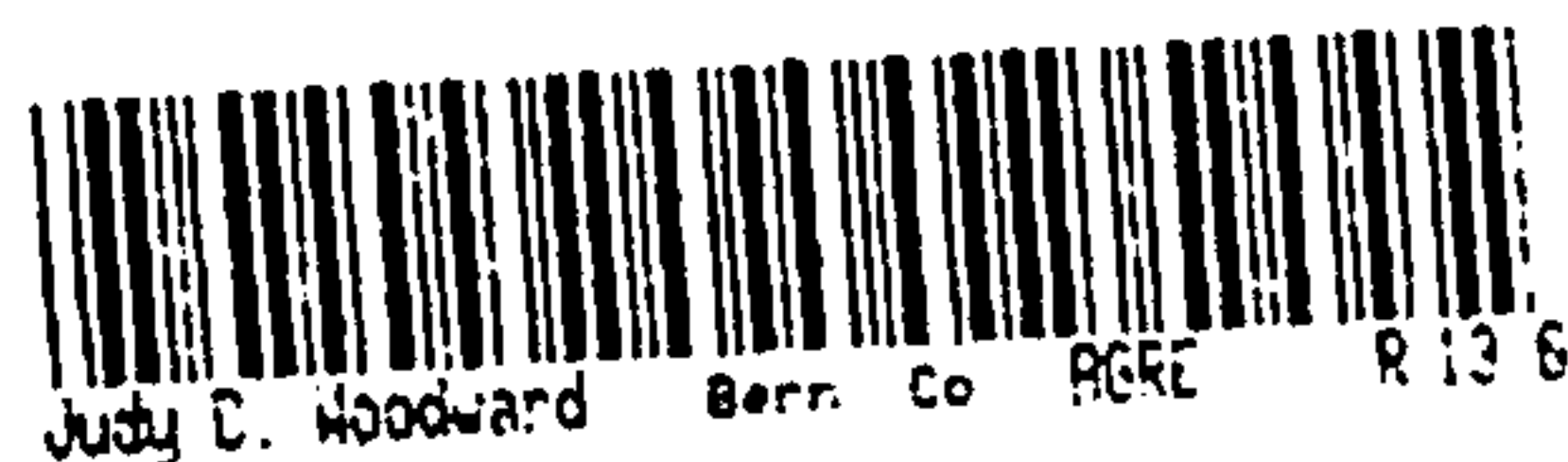
2. FUNES does hereby grant unto SALAZAR an easement for the Improvement which encroaches upon the FUNES Property and the right to use and maintain the Improvement.

3. It is mutually agreed by the parties that this Agreement at all times shall be deemed to be a covenant running with the land.

4. FUNES covenant that they will not attempt to destroy or otherwise remove the existing Improvement for the life of said Improvement and shall allow the same to remain as is, provided that nothing herein contained shall grant unto SALAZAR any rights by prescription, adverse possession, or otherwise, and that SALAZAR expressly forfeits, waives and relinquishes any and all rights which they might otherwise have now or hereafter may have against the FUNES Property by virtue of prescription, adverse possession, or otherwise.

5. SALAZAR hereby expressly agrees to maintain that portion of the Improvement that encroaches upon the FUNES Property at their sole cost and expense and FUNES hereby authorizes SALAZAR, or their agents, to enter upon the FUNES Property for such purposes.

6. The parties hereto agree that, in the event of the substantial destruction or removal of any or all of the encroaching



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Improvement, SALAZAR shall bear all expenses and costs incurred in such removal, and, if the Improvement is rebuilt, SALAZAR shall rebuild such Improvement within their property line. This Agreement shall terminate at that time.

7. SALAZAR hereby expressly agrees to indemnify and hold FUNES harmless from any and all liability or obligations arising out of personal injury or property damage claims of any third persons by reason of the encroachment of the Improvement, and SALAZAR agrees to defend FUNES against all claims, actions, suits, damages or losses of any kind or nature which may arise by reason of the Improvement.

8. This Agreement shall not have the effect to convey the fee title to any part of the FUNES Property to SALAZAR, nor shall any part of the fee title ever become vested in SALAZAR.

9. This Agreement shall inure to the benefit of and shall be binding upon the undersigned parties, their heirs, successors, assigns and personal representatives in all respects.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals the day and year first above written.

Alex C. Salazar III
ALEX C. SALAZAR III

Monica C. Salazar
MONICA C. SALAZAR

Jose R. Funes
JOSE R. FUNES

Maria Funes
MARIA FUNES

Raymond Funes
RAYMOND FUNES

STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

The foregoing instrument was acknowledged before me this 11/16 day of November, 1999, by ALEX C. SALAZAR III and MONICA C. SALAZAR, husband and wife.

MY COMMISSION EXPIRES: 4/7/02

[Signature]
NOTARY PUBLIC

STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

The foregoing instrument was acknowledged before me this 11/16 day of November, 1999, by JOSE R. FUNES and MARIA FUNES, his wife.

MY COMMISSION EXPIRES: 8/8/2000

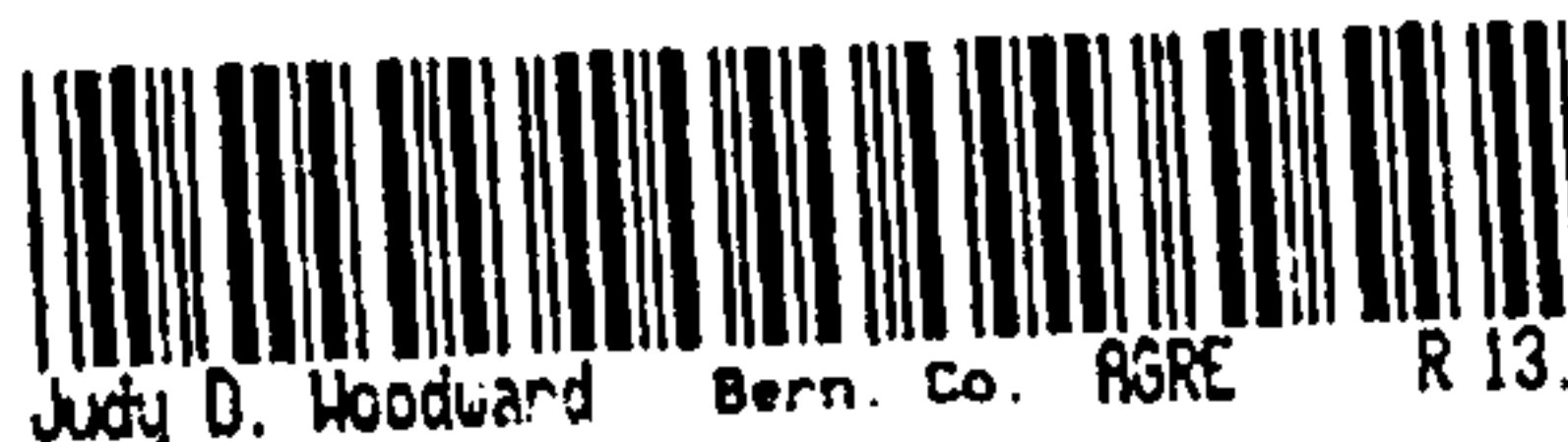
[Signature]
NOTARY PUBLIC

STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on November 11, 1999, by RAYMOND FUNES.

MY COMMISSION EXPIRES: 8/8/2000

[Signature]
NOTARY PUBLIC



Judy D. Woodward Bern. Co. AGRE R 13.00

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Page: 4 of 4
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City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION

- Major Subdivision action
- Minor Subdivision action
- Vacation
- Variance (Non-Zoning)

SITE DEVELOPMENT PLAN

- for Subdivision
- for Building Permit
- Administrative Amendment (AA)
- IP Master Development Plan
- Cert. of Appropriateness (LUCC)

STORM DRAINAGE (Form D)

- Storm Drainage Cost Allocation Plan

S Z ZONING & PLANNING

- Annexation
- County Submittal
- EPC Submittal
- Zone Map Amendment (Establish or Change Zoning)
- Sector Plan (Phase I, II, III)
- Amendment to Sector, Area, Facility or Comprehensive Plan
- Text Amendment (Zoning Code/Sub Regs)
- Street Name Change (Local & Collector)
- APEAL / PROTEST of...**
- Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICATION INFORMATION:

Professional/Agent (if any): CARLOS Martinez PHONE: 350-8184
 ADDRESS: 6240 Riverside Plaza NW Ste 100 FAX: 923-4747
 CITY: ABQ. STATE NM ZIP 87120 E-MAIL: Carlos.reym@aol.com

APPLICANT: Maria Funes & Raymond Funes PHONE: 247-9628
 ADDRESS: 216 Hazeldine SW FAX: _____
 CITY: ABQ. STATE NM ZIP 87102 E-MAIL: _____

Proprietary interest in site: _____ List all owners: Maria Funes & Raymond Funes

DESCRIPTION OF REQUEST: Clarify zoning variance, review plan to 082HE-80316 Project #1007419 build on lot w/ variance.

Is the applicant seeking incentives pursuant to the Family Housing Development Program? Yes. No.

SITE INFORMATION: ACCURACY OF THE EXISTING LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. 016 & 15 Block: H Unit: _____
 Subdiv/Addn/TBKA: ATLANTIC & PACIFIC
 Existing Zoning: SU-2 RG Proposed zoning: _____ MRGCD Map No _____
 Zone Atlas page(s): K-14-2 UPC Code: 101405717515332103

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_Z_, V_, S_, etc.):
082HE-80316 Project #1007419

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? _____
 No. of existing lots: 1 No. of proposed lots: 1 Total area of site (acres): 0.0607
 LOCATION OF PROPERTY BY STREETS: On or Near: Atlantic SW
 Between: 2nd St SW and 3rd St SW

Check-off if project was previously reviewed by Sketch Plat/Plan , or Pre-application Review Team . Date of review: _____

SIGNATURE Santiago Funes DATE 10-07-08
 (Print) Santiago Funes Applicant: Agent:

FOR OFFICIAL USE ONLY

Form revised 4/07

- INTERNAL ROUTING
- All checklists are complete
- All fees have been collected
- All case #'s are assigned
- AGIS copy has been sent
- Case history #'s are listed
- Site is within 1000ft of a landfill
- F.H.D.P. density bonus
- F.H.D.P. fee rebate

Application case numbers	Action	S.F.	Fees
<u>08DRB 70438</u>	<u>SK</u>	<u>\$13</u>	<u>\$0</u>
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
Total			\$ <u>0</u>

Hearing date 10/15/08
Sandy Handley 10-07-08 Project # 1007419
 Planner signature / date

FORM S(3): SUBDIVISION - D.R.B. MEETING (UNADVERTISED) OR INTERNAL ROUTING

A Bulk Land Variance requires application on FORM-V in addition to application for subdivision on FORM-S.

SKETCH PLAT REVIEW AND COMMENT (DRB22) Your attendance is required.

- Scale drawing of the proposed subdivision plat (folded to fit into an 8.5" by 14" pocket) **6 copies**
- Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) **6 copies**
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- List any original and/or related file numbers on the cover application

EXTENSION OF MAJOR PRELIMINARY PLAT (DRB08) Your attendance is required.

- Preliminary Plat reduced to 8.5" x 11"
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Copy of DRB approved infrastructure list
- Copy of the LATEST Official DRB Notice of approval for Preliminary Plat Extension request
- List any original and/or related file numbers on the cover application

Extension of preliminary plat approval expires after one year.

MAJOR SUBDIVISION FINAL PLAT APPROVAL (DRB12) Your attendance is required.

- Proposed Final Plat (folded to fit into an 8.5" by 14" pocket) **6 copies**
- Signed & recorded Final Pre-Development Facilities Fee Agreement for Residential development only
- Design elevations & cross sections of perimeter walls **3 copies**
- Zone Atlas map with the entire property(ies) clearly outlined
- Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
- Copy of recorded SIA
- Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
- List any original and/or related file numbers on the cover application
- DXF file and hard copy of final plat data for AGIS is required.

MINOR SUBDIVISION PRELIMINARY/FINAL PLAT APPROVAL (DRB16) Your attendance is required.

- 5 Acres or more: Certificate of No Effect or Approval
- Proposed Preliminary / Final Plat (folded to fit into an 8.5" by 14" pocket) **6 copies** for unadvertised meetings ensure property owner's and City Surveyor's signatures are on the plat prior to submittal
- Signed & recorded Final Pre-Development Facilities Fee Agreement for Residential development only
- Design elevations and cross sections of perimeter walls (11" by 17" maximum) **3 copies**
- Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) **6 copies**
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
- Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
- Fee (see schedule)
- List any original and/or related file numbers on the cover application
- Infrastructure list if required (**verify with DRB Engineer**)
- DXF file and hard copy of final plat data for AGIS is required.

AMENDMENT TO PRELIMINARY PLAT (with minor changes) (DRB03) Your attendance is required.

- PLEASE NOTE: There are no clear distinctions between significant and minor changes with regard to subdivision amendments. Significant changes are those deemed by the DRB to require public notice and public hearing.
- Proposed Amended Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) **6 copies**
 - Original Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) **6 copies**
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the request
 - Bring original Mylar of plat to meeting, ensure property owner's and City Surveyor's signatures are on the plat
 - List any original and/or related file numbers on the cover application

Amended preliminary plat approval expires after one year

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

Carlos Martinez
Applicant name (print)
[Signature]
Applicant signature / date



- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers
08 DRB - 70438

Form revised October 2007
Sandy Handley 10/07/08
Planner signature / date
Project # 1007419



For more current information and more details visit: <http://www.cabq.gov/gis>

Map amended through: 6/13/2008

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
K-14-Z

Selected Symbols

SECTOR PLANS	Escarpment
Design Overlay Zones	2 Mile Airport Zone
City Historic Zones	Airport Noise Contour
H-1 Buffer Zone	Wall Overlay Zone
Petroglyph Mon.	

0 750 1,500 Feet

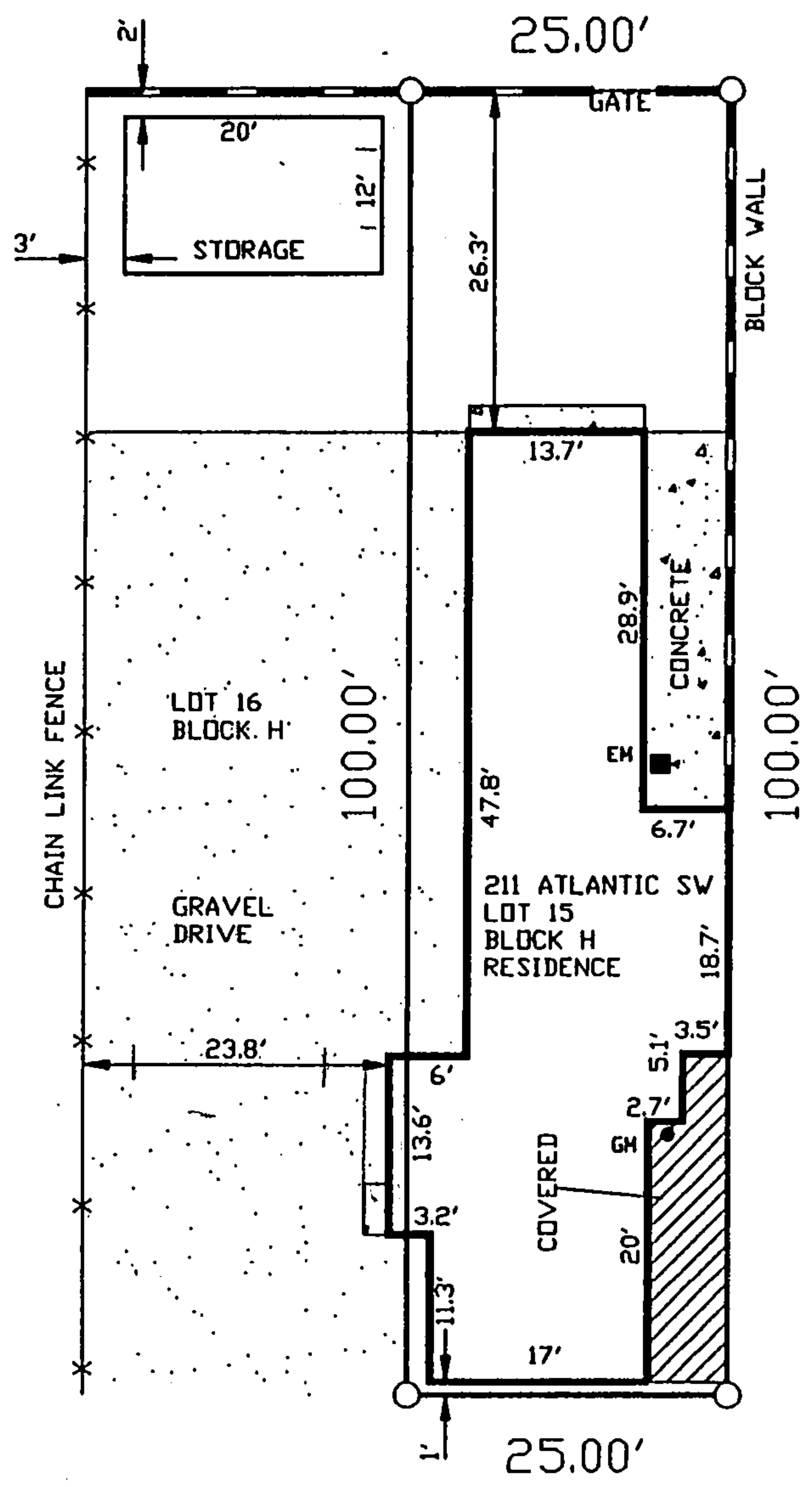
IRON 5 Sth
SW corner

To Whom it may concern:

I am requesting clarifying information on zoning regulations and variances. I would like to know our options when building a property with a three foot variance due to an encroachment from the joining property. This structure we are interested in building is for Maria Funes, an eighty year old woman and an active member of the community for over sixty years.

Maria's current health conditions inhibits her from getting out of her two story home. Health care professionals that visit Maria Funes at her home sometimes struggle bringing up equipment that need in order to give her the medical attention she needs. This home we are trying to build for Maria Funes will give her a better quality of life and allow her to move freely within her house and make it easier for medical professionals to provide Maria Funes with the medical attention she requires. We are a family with limited resources and don't have the understanding of the zoning regulations and statutes that we have to follow. We are asking for information and assistance. Any help that you could provide will be greatly appreciated. Best regards

Maria Funes and Family



ATLANTIC AVENUE SW

LEGEND

- GM ● GAS METER
- EM ■ ELECTRIC METER



1" = 20'



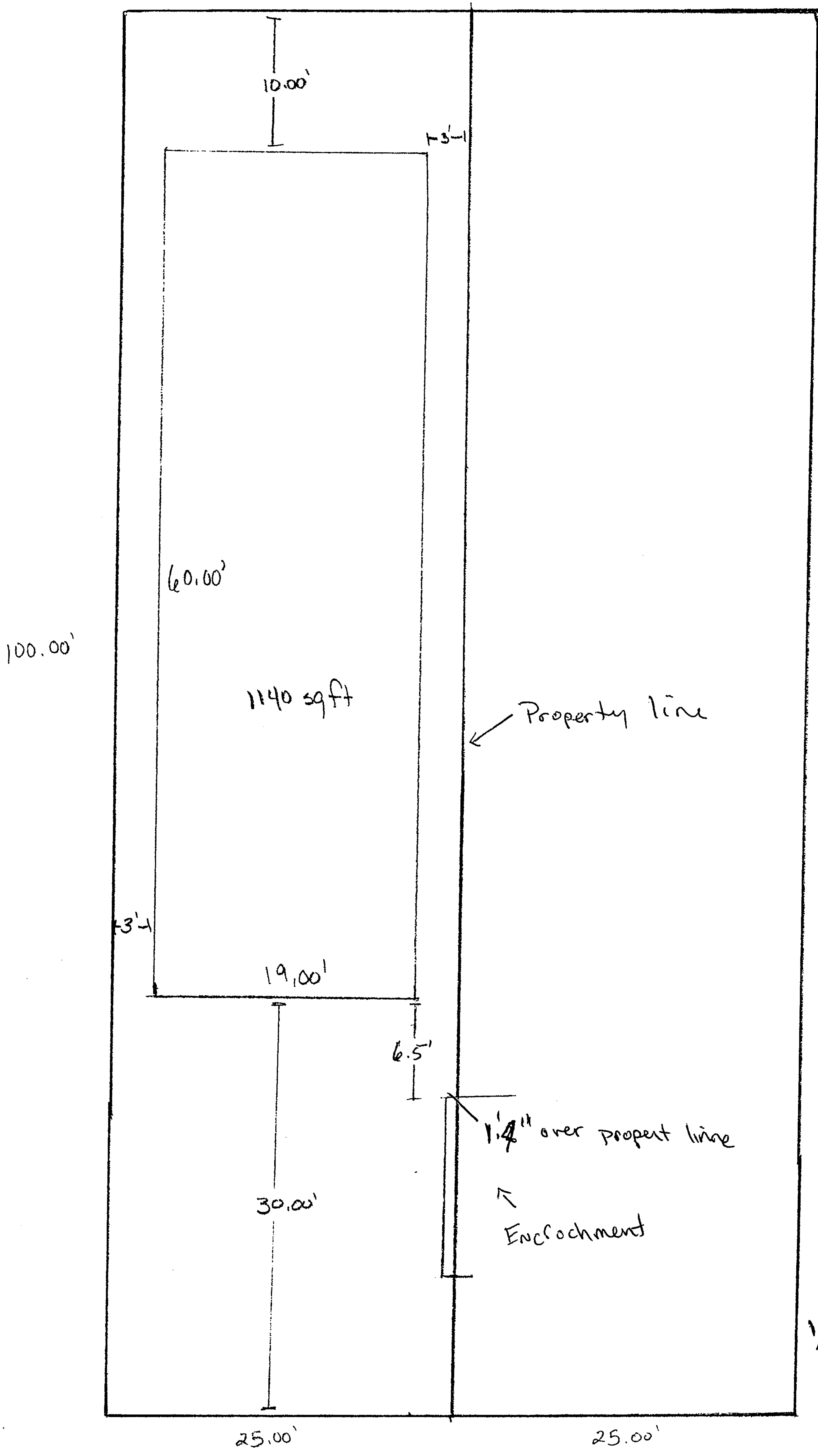
99-C-1708
Tc1

"THIS IS NOT A SURVEY FOR USE BY A PROPERTY OWNER FOR ANY PURPOSE"

JOHN MIERS
NMLS No. 12447

11/11/99
DATE





1/8" = 1 foot