

City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental Form (SF)

SUBDIVISION

- ☐ Major subdivision action
☒ Minor subdivision action
☐ Vacation
☐ Variance (Non-Zoning)

SITE DEVELOPMENT PLAN

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

STORM DRAINAGE (Form D)

- ☐ Storm Drainage Cost Allocation Plan

S Z ZONING & PLANNING

- ☐ Annexation

☒ Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)
☐ Adoption of Rank 2 or 3 Plan or similar
☐ Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations

☒ Street Name Change (Local & Collector)

☒ **APPEAL / PROTEST of...**

- ☐ Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other

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): ARCH+PLAN LAND USE CONSULTANTS PHONE: 980-8365
 ADDRESS: P.O. BOX 25911 FAX: _____
 CITY: ALBUQUERQUE STATE NM ZIP 87125 E-MAIL: arch.plan@comcast.net

APPLICANT: LAS VENTAS NM INC PHONE: _____
 ADDRESS: 6501 WYOMING BLDG C FAX: _____
 CITY: ALBUQUERQUE STATE NM ZIP 87109 E-MAIL: _____
 Proprietary interest in site: OWNER List all owners: _____

DESCRIPTION OF REQUEST: VACATION OF PUE = SETBACK

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. 1-6 Block: _____ Unit: _____
 Subdiv/Addn/TBKA: BISHOPS COMPOUND
 Existing Zoning: R-LT Proposed zoning: N/A MRGCD Map No. _____
 Zone Atlas page(s): G-12 UPC Code: 1-012-060-508-311-103-30

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_Z_, V_, S_, etc.):
1007871 1002739 (VACATION) 1011409 (VARIANCE)

CASE INFORMATION:

Within city limits? ☒ Yes Within 1000FT of a landfill? NO
 No. of existing lots: 6 No. of proposed lots: 6 Total site area (acres): .76±
 LOCATION OF PROPERTY BY STREETS: On or Near: CALLE OBISPO
 Between: CANDELAIRIA RD and ORO VISTA RD

Check if project was previously reviewed by: Sketch Plat/Plan ☒ or Pre-application Review Team (PRT) ☐ Review Date: 9/20/17

SIGNATURE [Signature] DATE 12.12.17

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

PLAT OF
LOTS 1-A, 2-A, 3-A, 4-A, 5-A, & 6-A
BISHOP'S COMPOUND SUBDIVISION
WITHIN
TOWN OF ALBUQUERQUE GRANT
PROJECTED SECTION 1, TOWNSHIP 10 NORTH, RANGE 2 EAST, N.M.P.M.
CITY OF ALBUQUERQUE
BERNALILLO COUNTY, NEW MEXICO
DECEMBER, 2017

PROJECT NUMBER: 1007871

.....

UTILITY APPROVALS:

DATE TO SERVICE: QUANTITY OF NEW LINES:

NEW MEXICO GAS COMPANY _____ DATE _____

- NEW MILANO GAS COMPANY
- DATE _____
- QWEST CORPORATION D/B/A CENTURYLINK QC _____ DATE _____
- COMCAST _____ DATE _____
- CITY APPROVALS: _____
- 70122 STATE ST _____

TRAFFIC ENGINEERING, TRANSPORTATION DIVISION _____ DATE _____

ABOWJA _____ DATE _____

PARKS AND RECREATION DEPARTMENT _____ DATE _____

AMAFCA _____ DATE _____

SURVEYORS CERTIFICATE.
STATE OF NEW MEXICO) S.S.
COUNTY OF BERNALILLO)

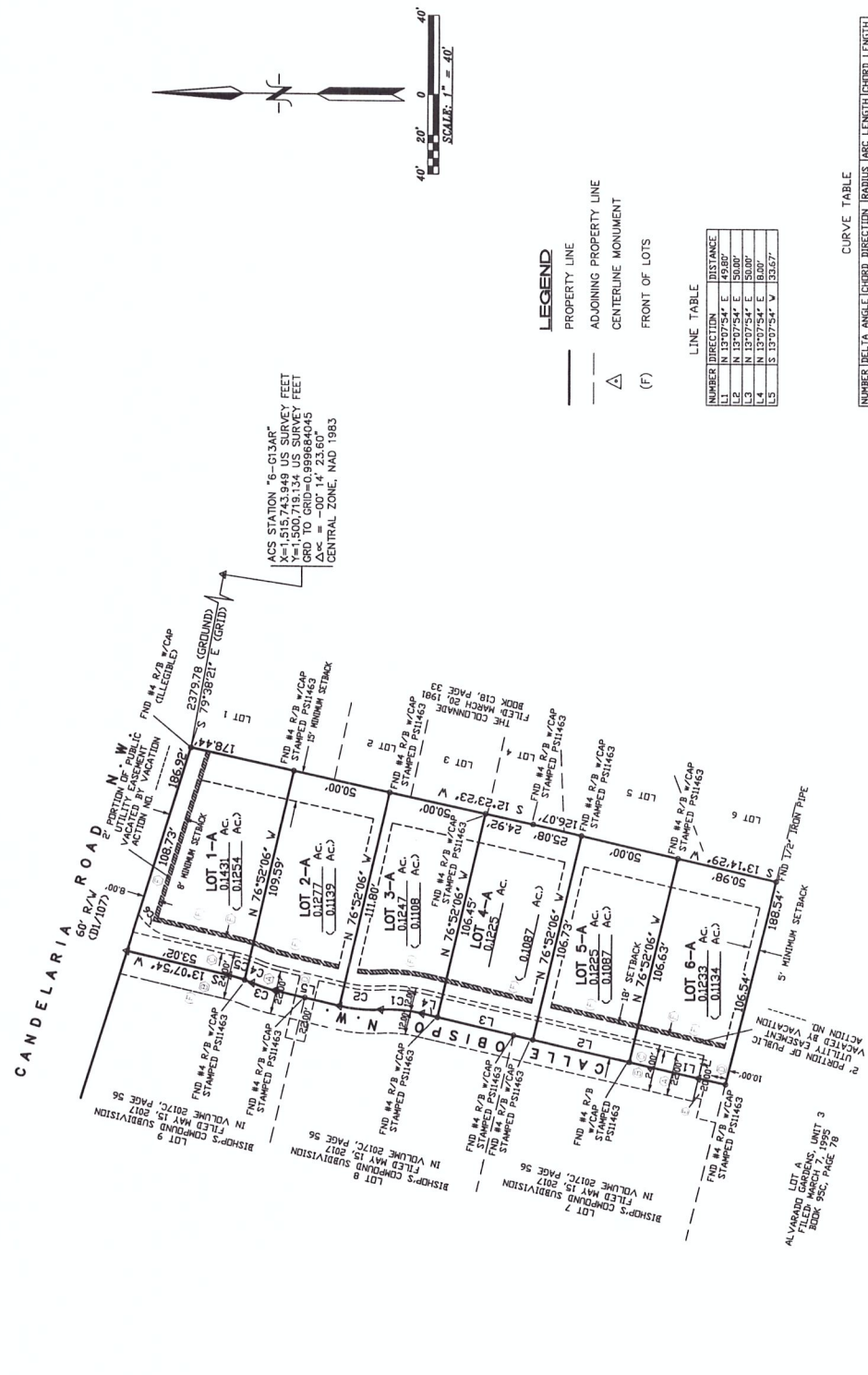
I, ANTHONY L. HARRIS, A DULY PROFESSIONAL LICENSED LAND SURVEYOR, UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THE PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT I AM RESPONSIBLE FOR SAID PLAT AND MEETS THE REQUIREMENTS FOR MONUMENTATION AND SURVEY OF THE ALBUQUERQUE SUBDIVISION ORDINANCE AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND MEETS THE MINIMUM REQUIREMENTS FOR LAND SURVEYS AS SET FORTH BY THE STATE OF NEW MEXICO.

GIVEN UNDER MY HAND AND SEAL AT ALBUQUERQUE, NEW MEXICO,
THIS _____ DAY OF _____, 2017.

ANTHONY L. HARRIS, P.S. # 11463

THE SURVEY OFFICE, LLC
555 LOMAS BOULEVARD N.E.
ALBUQUERQUE, NEW MEXICO 87109
PHONE: (505) 998-0903
FAX: (505) 998-0908

PLAT OF LOTS 1-A, 2-A, 3-A, 4-A, 5-A, & 6-A BISHOP'S COMPOUND SUBDIVISION WITHIN TOWN OF ALBUQUERQUE GRANT PROJECTED SECTION 10 NORTH, RANGE 2 EAST, N.M.P.M. CITY OF ALBUQUERQUE BERNALILLO COUNTY, NEW MEXICO DECEMBER, 2017



- LEGEND**
- PROPERTY LINE
 - ADJOINING PROPERTY LINE
 - △ CENTERLINE MONUMENT
 - (F) FRONT OF LOTS

LINE TABLE

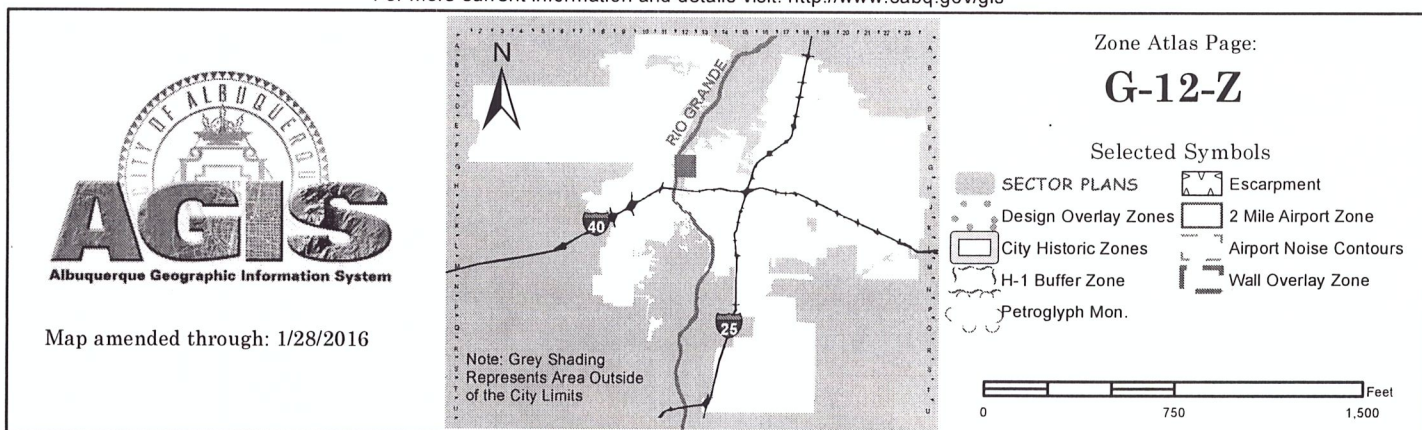
NUMBER	DIRECTION	DISTANCE
L1	N 13°07'54" E	49.80'
L2	N 13°07'54" E	50.00'
L3	N 13°07'54" E	50.00'
L4	N 13°07'54" E	50.00'
L5	S 13°07'54" V	33.67'

CURVE TABLE

NUMBER	DELTA ANGLE	CURVE DIRECTION	RADIUS	ARC LENGTH	CHORD LENGTH
C1	16°15'37"	N 05°00'05" E	75.00	21.28	21.21
C2	16°15'37"	S 05°00'05" V	75.00	21.28	21.21
C3	89°22'30"	S 17°48'54" V	75.00	12.26	12.25
C4	16°15'37"	N 05°00'05" E	75.00	21.28	21.21
C5	16°15'37"	N 16°13'30" E	75.00	8.10	8.09
C6	46°53'23"	S 36°34'42" V	24.50	20.05	19.50



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



ARCH+PLAN
LAND USE CONSULTANTS
ALBUQUERQUE NM

December 12, 2017

Kym Dicome, Acting Chair
City of Albuquerque
Development Review Board
600 2nd St NW
Albuquerque NM

RE: LOTS 1 THRU 9, BISHOP'S COMPOUND SUBDIVISION
PROJECT #1007871/17DRB-70248

Ms. Dicome and members of the Board:

I would like to request Final Plat review for a minor subdivision action for the above mentioned property.

The property owner would like to vacate 2 feet from an existing 10 foot public utility easement and reduce 2 feet from the required 20 foot building setback to 18 feet.

Vacation of Public Utility Easements (17DRB-70267) and Vacation of Private Easement (17DRB-70268) were approved by the Development Review Board at their November 1, 2017 public hearing under Project #1002739.

Required variance (17ZHE-80246) was approved by the Zoning Hearing Examiner on November 21, 2017 under Project #1011409.

The existing parcels are currently is vacant. The existing zone is R-LT.

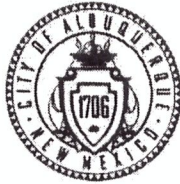
Sketch plat was reviewed by the Development Review Board on September 20, 2017.

Thank you for your time and consideration of the proposed application.

Sincerely,



Derrick Archuleta, MCRP
Principal



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

LAS VENTANAS NM INC (ARCH + PLAN
LAND USE CONSULTANTS, AGENT)
requests a special exception to Section 14-16-
2-8(E)(3)(a) : a VARIANCE of 5 inches the
required 10 ft corner side yard setback for all
or a portion of Lot 1, Bishops Compound
zoned R-LT, located on 3020 CALLE OBISPO
NW (G-12)

Special Exception No:..... **17ZHE-80246**
Project No: **Project# 1011409**
Hearing Date: 11-21-2017
Closing of Public Record: 11-21-2017
Date of Decision: 12-06-2017

On the 21st day of November, 2017, ARCH + PLAN LAND USE CONSULTANTS ("Agent") acting as agent on behalf of the property owner LAS VENTANAS NM INC ("Applicant") appeared before the Zoning Hearing Examiner ("ZHE") requesting a variance of 5 inches the required 10 ft corner side yard setback ("Application") upon the real property located at 3020 CALLE OBISPO NW ("Subject Property"). Below are the ZHE's findings of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 5 inches the required 10 ft corner side yard setback.
2. The City of Albuquerque Zoning Code of Ordinances Section 14-16-4-2 (C)(2) (Special Exceptions – Variance) reads: "*A variance application shall be approved by the Zoning Hearing Examiner, if and only if, the Zoning Hearing Examiner finds all of the following:*
 - (a) *The application is not contrary to the public interest or injurious to the community, or to property or improvements in the vicinity;*
 - (b) *There are special circumstances applicable to the subject property which 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;*
 - (c) *Such special circumstances were not self-imposed and create an unnecessary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property that need not be endured to achieve the intent and purpose of the Zoning Code (§14-16-1-3) and the applicable zoning district; and*
 - (d) *Substantial justice is done.*"
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 14-16-4-2(C).

4. The ZHE finds that Application is not: (i) contrary to the public interest, (ii) injurious to the community; or (iii) injurious to the property or improvements located in the vicinity as required by Section 14-16-4-2 (C)(2)(a).
5. Specifically, the ZHE finds that the exceptionally minimal deviation requested – less than half a foot on a 10-foot setback on a lot almost 5,500 square feet in size – is a strong indication of low potential for injury.
6. The amount of the variance is no more than is necessary to overcome the unnecessary hardship. *Development Process Manual*, Ch. 11.
7. There is no indication that granting the Application will cause injury due to excessive noise, light, traffic, interference with views or other reason.
8. The ZHE finds that there are special circumstances applicable to the Subject Property which 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 14-16-4-2(C)(2)(b).
9. Specifically, the ZHE finds that the Subject Property, although a corner lot subject to the 10 foot setback, is the smallest lot in the subdivision.
10. The ZHE finds that such special circumstances were not self-imposed and create an unnecessary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property that need not be endured to achieve the intent and purpose of the Zoning Code (§14-16-1-3) and the applicable district, as required by Section 14-16-4-2(C)(2)(c).
11. Specifically, the ZHE finds that the special circumstances unreasonably interfere with Applicant's ability to proceed with the construction of a structure identical to those proposed on the other lots on the subdivision.
12. The ZHE finds that substantial justice will be done if this Application is approved, as required pursuant to Section 14-16-4-2 (C)(2)(d).
13. The ZHE finds that the proper "Notice of Hearing" signage was posted for the required time period as required by Section 14-16-4-2(B)(4).
14. The ZHE finds that the Applicant has authority to pursue this Application.

CONCLUSIONS OF LAW:

The criteria within Section 14-16-4-2(C)(2) of the Albuquerque Zoning Code are satisfied.

DECISION:

APPROVAL of a variance of 5 inches the required 10 ft corner side yard setback.

If you wish to appeal this decision, you must do so by December 21st, 2017, in the manner described below. A non-refundable filing fee will be calculated at the Planning Department's Land Development Coordination counter and is required at the time the Appeal is filed.

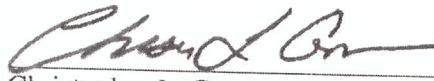
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, Planning Application Counter located on the west side of the lobby. **Please present this letter of notification when filing an appeal.** When an application is withdrawn, the fee shall not be refunded.

An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of the opponents, if any are known, and the appellant.

Please note that pursuant to Section 14. 16. 4. 4. (B), of the City of Albuquerque Comprehensive Zoning Code, you must demonstrate that you have legal standing to file an appeal as defined.

You will receive notice if any other person files an appeal. If there is no appeal, you can receive building permits any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. However, the Zoning Hearing Examiner may allow issuance of building permits if the public hearing produces no objection of any kind to the approval of an application. To receive this approval, the applicant agrees in writing to return the building permit or occupation tax number.

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.



Christopher L. Graeser, Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File
Las Ventanas NM Inc., 6501 Wyoming Blvd NE BLDG C, 87109
Arch + Plan Land Use Consultants, P.O. Box 25911, 87125
tsott@lasventanasnm.com
arch.plan@comcast.net