





MINOR PLATS, FINAL (MAJOR) PLATS, AMENDED PLATS AND PLATS

6. **Project# 1010559**
15DRB-70340 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL 

WILSON & COMPANY agent(s) for CITY OF ALBUQUERQUE request(s) the above action(s) for all or a portion of Tract(s) 3, **MUNICIPAL ADDITION NO.2** zoned SU-1 NOR NATIONAL GUARD ARMORY & PRD, located on COPPER AND WYOMING containing approximately 36.74 acre(s). (K-20) **THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR AMAFCA SIGNATURE AND UTILITY COMPANIES SIGNATURES.**
7. **Project# 1003364**
15DRB-70359 AMENDED SDP FOR
BUILDING PERMIT 

SIMONS ARCHITECTURE agent(s) for NADEEM J MULL request(s) the above action(s) for all or a portion of Lot(s) 1-A-4, Block(s) 10, **N. ABQ. ACRES TR. 2 UNIT 3**, zoned SU-2, located on PASEO DEL NORTE BETWEEN LOUISIANA AND WYOMING containing approximately .374 acre(s). (C-19) **THE AMENDED SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WAS APPROVED.**
8. **Project# 1003885**
15DRB-70348 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL 

ALDRICH LAND SURVEYING agent(s) for COA-FAMILY HOUSING DEVELOPMENT CORP request(s) the above action(s) for all or a portion of Lot(s) 4, 5 & 6, **BELL TRADING POST HOMES** zoned SU-2/DNA-SF, located on NW CORNER OF LAGUNA AND ROMA NW containing approximately .2843 acre(s). (J-13) **THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR CORRECTION OF EXISTING EASEMENT AND FOR AGIS DXF.**
9. **Project# 1010218**
15DRB-70349 MINOR - PRELIMINARY/
FINAL PLAT APPROVAL 

ALDRICH LAND SURVEYING agent(s) for AMY AND BEN STURGE request(s) the above action(s) for all or a portion of Lot(s) 12, Block(s) 42, **HUNING HIGHLAND ADDITION** zoned SU-2/MR-CON US FOR RT, located on NE CORNER OF SILVER AND HIGH ST NE containing approximately .1639 acre(s). (K-14) **THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO WATER AUTHORITY AND TO PLANNING FOR CROSS LOT DRAINAGE EASEMENT.**



Supplemental Form (SF)

SUBDIVISION

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

SITE DEVELOPMENT PLAN

- for Subdivision
- for Building Permit
- Administrative Amendment (AA)
- Administrative Approval (DRT, URT, etc.)
- 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): Aldrich Land Surveying Inc Tim Aldrich PHONE: 505-328-3988
ADDRESS: PO Box 30701 FAX: 505-884-1990
CITY: Albuquerque STATE NM ZIP 87190 E-MAIL: tim.aldrich@comcast.net
APPLICANT: Amy and Ben Sturge PHONE: 505-508-1963
ADDRESS: 301 Walter Street SE FAX: _____
CITY: Albuquerque STATE NM ZIP 87102 E-MAIL: amyjsturge@gmail.com
Proprietary interest in site: Owners List all owners: _____

DESCRIPTION OF REQUEST: Divide existing lot that has 2 separately addressed homes into 2 lots as proposed in prior DRB actions.

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. 12 Block: 42 Unit: _____
Subdiv/Addn/TBKA: Huning Highland Addition
Existing Zoning: SU-2 MR-Con Use for RT Proposed zoning: Same MRGCD Map No _____
Zone Atlas page(s): K-14 UPC Code: 101405750330114301

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_, Z_, V_, S_, etc.): Proj 1010218
14ZHE-80217 14ZHE-80218 14ZHE-80219 14ZHE-80220

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? NO
No. of existing lots: 1 No. of proposed lots: 2 Total site area (acres): 0.1639
LOCATION OF PROPERTY BY STREETS: On or Near: At the Northeast corner of Silver Ave SE and High St SE
Between: _____ and _____
Check if project was previously reviewed by: Sketch Plat/Plan or Pre-application Review Team(PRT) Review Date: _____

SIGNATURE [Signature] DATE 09/22/2015
(Print Name) Tim Aldrich Applicant: Agent:

FOR OFFICIAL USE ONLY

Revised: 11/2014

	Application case numbers	Action	S.F.	Fees
<input type="checkbox"/> INTERNAL ROUTING	<u>15DRB-70349</u>	<u>D&F</u>		<u>\$285.00</u>
<input type="checkbox"/> All checklists are complete		<u>CMF</u>		<u>\$20.00</u>
<input type="checkbox"/> All fees have been collected				\$
<input type="checkbox"/> All case #s are assigned				\$
<input type="checkbox"/> AGIS copy has been sent				\$
<input type="checkbox"/> Case history #s are listed				\$
<input type="checkbox"/> Site is within 1000ft of a landfill				\$
<input type="checkbox"/> F.H.D.P. density bonus				Total
<input type="checkbox"/> F.H.D.P. fee rebate				<u>\$305.00</u>

Hearing date October 7, 2015
9-24-15 Project # 1010218

Staff 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.

Tim Aldrich

 Applicant name (print) 09/22/2015
 Applicant signature / date



Form revised October 2007

- Checklists complete
 - Fees collected
 - Case #s assigned
 - Related #s listed
- Application case numbers
15 - DRB - 70349


 Planner signature / date 9-24-15
 Project # 1010218

September 22, 2015

Mr. Jack Cloud
Development Review Board Chair
Planning Department
City of Albuquerque
600 2nd St. NW
Albuquerque, NM 87103

RE: APPLICATION FOR MINOR SUBDIVISION PLAT –
LOT 12-A & 12-B, BLOCK 42, HUNING HIGHLAND ADDITION

Dear Mr. Cloud,

Aldrich Land Surveying, Inc. (ALS), agent for Amy and Ben Sturge, has prepared an application for minor subdivision plat for the above-mentioned tract. All the required attachments are included with the submittal.

ALS, as agent for Amy and Ben Sturge, is proposing the platting action for the following reasons:

1. Divide Lot 12 into 2 lots. The existing lot has 2 individual and separate homes which have their own addresses.
2. The division holds to the Zoning Hearing Examiners approval for setback variance, lot size and zoning.
3. Grant Landscape and Maintenance Easement for location of landscaping and fencing.
4. The division of the lot and rehabilitation of the homes will be beneficial to this historic neighborhood.

With this being the case we ask for acceptance of this application for the above purposes.

Thank you very much,



Tim Aldrich PS
Aldrich Land Surveying, Inc.
505-328-3988



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

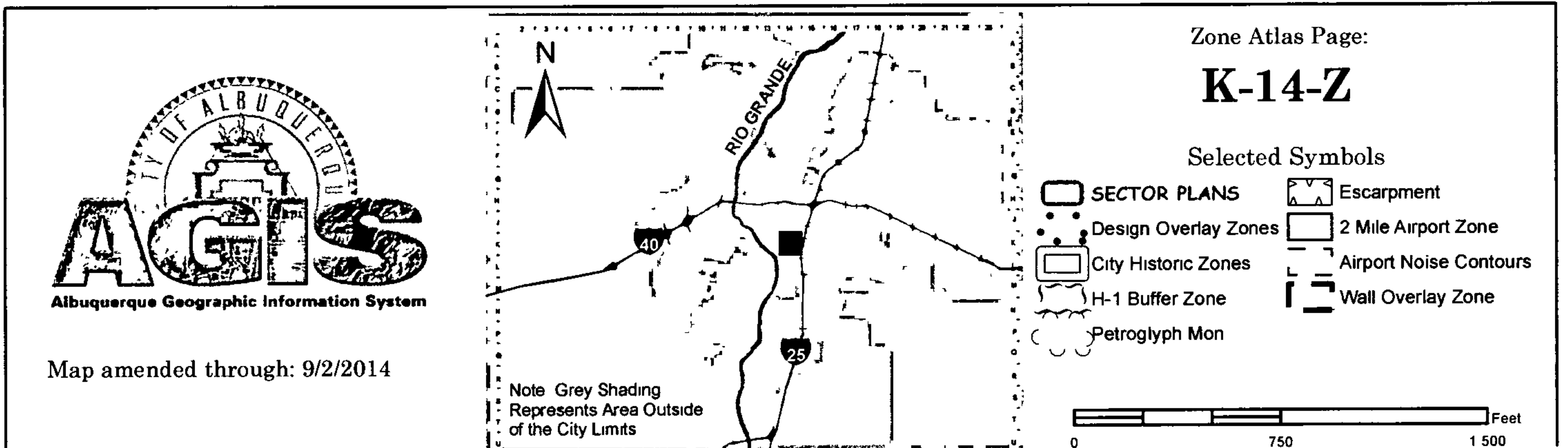
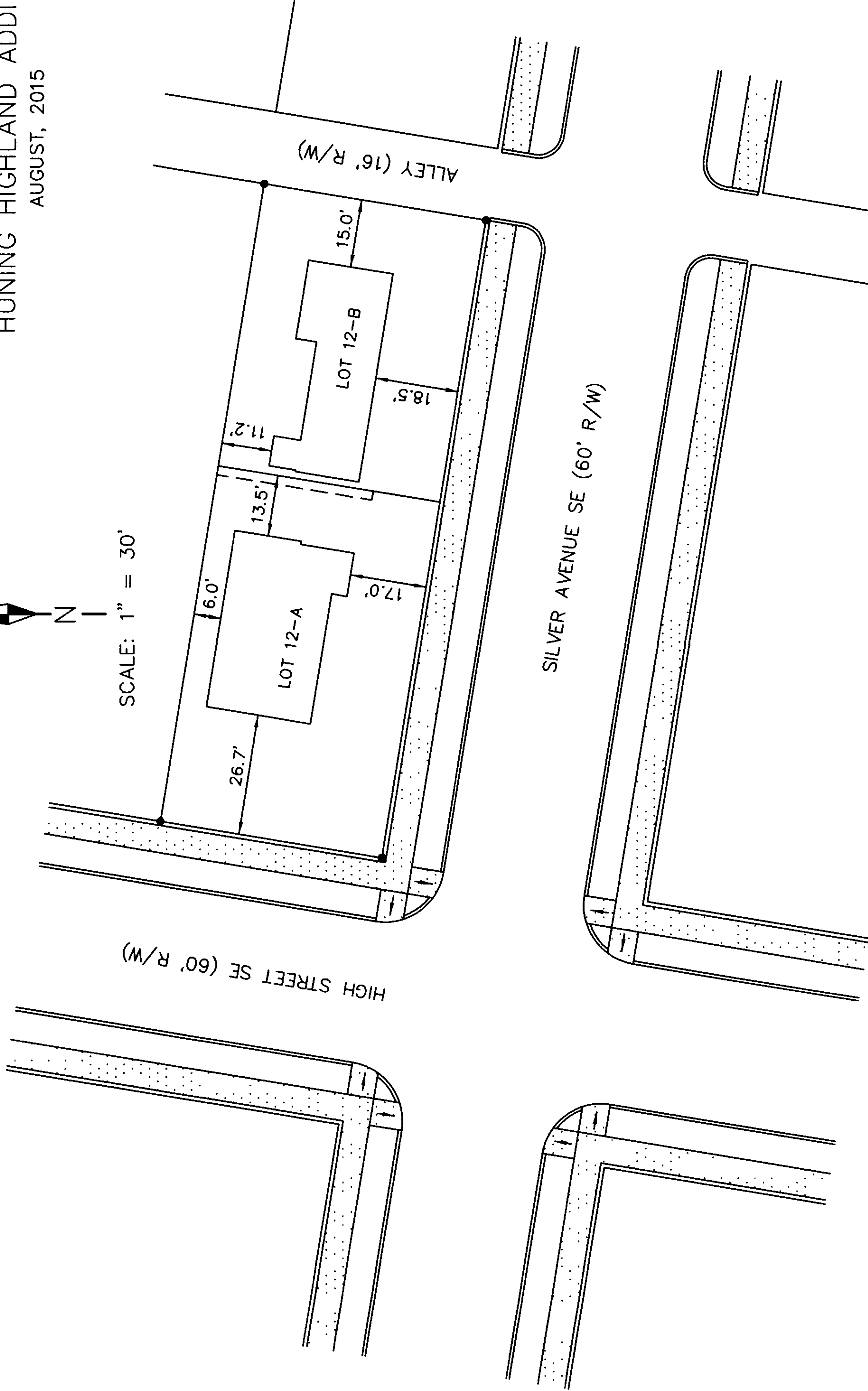
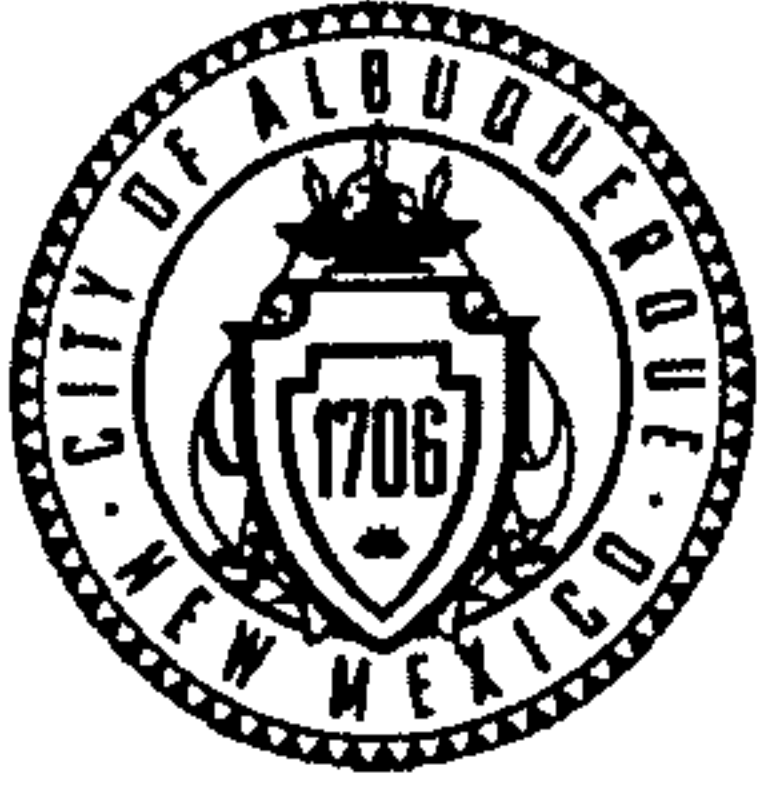


EXHIBIT FOR
LOT 12-A & 12-B
BLOCK 42
HUNING HIGHLAND ADDITION
AUGUST, 2015



SCALE: 1" = 30'





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

BEN AND AMY STURGE requests a special exception to Pg 31 (B)(2) of Huning Highland SDP: a CONDITIONAL USE to allow RT uses for a proposed lot split for all or a portion of Lot 12, Block 42, HUNING HIGHLAND ADDN zoned SU-2 MR, located on 222 HIGH STREET SE (K-14)

Special Exception No: 14ZHE-80217
Project No:..... Project# 1010218
Hearing Date:..... 10-21-2014
Closing of Public Record:..... 10-21-2014
Date of Decision: 11-5-2014

On the 21st day of October, 2014 (hereinafter "**Hearing**") Ben and Amy Sturge (hereinafter "**Applicant**") appeared before the Zoning Hearing Examiner (hereinafter "**ZHE**") requesting a CONDITIONAL USE to allow RT uses for a proposed lot split (hereinafter "**Application**") upon the real property located at 222 High ST SE ("**Subject Property**"). Below are the findings of facts:

FINDINGS:

1. Applicant is requesting a CONDITIONAL USE to allow RT uses for a proposed lot split.
2. The City of Albuquerque Code of Ordinances Section § 14-16-4-2 (C) (1) (a) "SPECIAL EXCEPTIONS" reads in part: "*A conditional use shall be approved if and only if, in the circumstances of the particular case and under conditions imposed, the use proposed will not be injurious to the adjacent property, the neighborhood, or the community.*"
3. Applicant testified at the Hearing that the Conditional Use, if approved, will not be injurious to the adjacent property, neighborhood, or the community because the Applicant is simply attempting to rehabilitate these dilapidated older buildings on the Subject Property and there is comprehensive and extensive neighborhood support for the daunting task that this Applicant is taking on in their efforts to stabilize this property from years of being run down. The ZHE received evidence from the neighbors that this rehabilitation effort is supported. Specifically, the ZHE received a letter of support from Rob Dickson, Executive Director of EDO N.A. which states that 12 member board voted unanimously to support the four requests of the ZHE. Additionally, a letter was received from Bonnie Anderson the President of the Huning Highlands HAD, and from individuals Albert Gallegos and David Cook. All in all, it was an impressive representation from the residential neighbors all speaking with one voice that they support the Applicant's four applications for a Conditional Use and three variances. The ZHE finds that this Applicant has met their burden of proving that this project is NOT injurious to the community, rather it is very beneficial and admirable to have the kind of investment required to rehabilitate 222 High Street.

4. The City of Albuquerque Code of Ordinances Section § 14-16-4-2 (C) (1) (b) "SPECIAL EXCEPTIONS" reads in part: "*A conditional use shall be approved if and only if, in the circumstances of the particular case and under conditions imposed, the use proposed will not be significantly damaged by surrounding structures or activities.*"
5. Applicant testified at the Hearing that the proposed conditional use, will not be significantly damaged by the surrounding structures or activities.
6. The ZHE finds that RT uses are not injurious because there have been RT uses on this property and in the surrounding community for decades and it is consistent with the built environment.
7. The yellow "Notice of Hearing" signs were posted for the required time period as articulated within City of Albuquerque Code of Ordinances § 14-16-4-2 SPECIAL EXCEPTIONS.
8. The Applicant has adequately justified the Conditional Use request pursuant to City of Albuquerque Code of Ordinances § 14-16-4-2 SPECIAL EXCEPTIONS.

DECISION:

APPROVAL WITH CONDITIONS of a CONDITIONAL USE to allow RT uses for a proposed lot split.

If you wish to appeal this decision, you may do so by 5:00 p.m., on November 21, 2014 in the manner described below:

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.



Joshua J. Skarsgard, Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File
Ben and Amy Sturge, 301 Walter St NE 87102
Ann L Carson, 416 Walter SE 87102
Lauren Austin, lmaustin1134@msn.com



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

BEN AND AMY STURGE requests a special exception to Pg 31 (B)(2) of Huning Highland SDP and Section 14-16-2-9(D)(3): a VARIANCE of 460' to the minimum 3600 sq ft lot area for the proposed address of 715 Silver SE for all or a portion of Lot 12, Block 42, HUNING HIGHLAND ADDN zoned SU-2 MR, located on 222 HIGH STREET SE (K-14)

Special Exception No: 14ZHE-80218
Project No:..... Project# 1010218
Hearing Date:..... 10-21-2014
Closing of Public Record:..... 10-21-2014
Date of Decision: 11-5-2014

On the 21st day of October, 2014 (hereinafter "**Hearing**") Ben and Amy Sturge (hereinafter "**Applicant**") appeared before the Zoning Hearing Examiner (hereinafter "**ZHE**") requesting a VARIANCE of 460' to the minimum 3600 sq ft lot area for the proposed address of 715 Silver SE (hereinafter "**Application**") upon the real property located at 222 High Street SE ("**Subject Property**"). Below are the findings of facts:

FINDINGS:

1. Applicant is requesting a VARIANCE of 460' to the minimum 3600 sq ft lot area for the proposed address of 715 Silver SE.
2. The City of Albuquerque Zoning Code of Ordinances Section § 14-16-4-2 (C) (2) "SPECIAL EXCEPTIONS – VARIANCE" reads in part: "*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 ZHE finds that the Applicant has met its burden of providing evidence (both oral testimony and written material) that establishes that the Application is not going to be: (i) contrary to the public interest, (ii) injurious to the community; or (iii) injurious to the property/improvements located in the nearby vicinity of the Subject Property.

Specifically, the Applicant provided testimony that they are simply attempting to rehabilitate these dilapidated older buildings on the Subject Property and there is comprehensive and extensive neighborhood support for the daunting task that this Applicant is taking on in their efforts to stabilize this property from years of being run down. The ZHE received evidence from the neighbors that this rehabilitation effort is supported. Specifically, the ZHE received a letter of support from Rob Dickson, Executive Director of EDO N.A. which states that 12 member board voted unanimously to support the four requests of the ZHE. Additionally, a letter was received from Bonnie Anderson the President of the Huning Highlands HAD, and from individuals Albert Gallegos and David Cook. All in all, it was an impressive representation from the residential neighbors all speaking with one voice that they support the Applicant's four applications for a Conditional Use and three variances. The ZHE finds that this Applicant has met their burden of proving that this project is NOT injurious to the community, rather it is very beneficial and admirable to have the kind of investment required to rehabilitate 222 High Street. [as required pursuant to Section § 14-16-4-2 (C) (2) (a)]. Further, the Application and testimony of the Applicant at the Hearing suggest that there is no neighborhood opposition to the Application.

4. The ZHE finds that the Applicant has met its burden of providing evidence (both oral testimony and written material) that establishes that there are "special circumstances" applicable to the Subject Property which do not apply generally to other property in the same zone and vicinity. Specifically, the Applicant provided testimony that the Subject Property was constructed prior to the adoption of the zoning code and they are uniquely shaped (narrow) lots that are not similar to many of the newer lots in Albuquerque [as required pursuant to Section § 14-16-4-2 (C) (2) (b)]
5. The ZHE finds that the Applicant has met its burden of providing evidence (both oral testimony and written material) that establishes that the special circumstances presented hereinabove were not "self-imposed", and that those special circumstances create an unnecessary hardship upon the Applicant. Specifically, the Applicant provided testimony that but for the narrowness of these lots that they would be able to comply with the Zoning Code which constitutes an "*unjustified limitation on the reasonable use of the Subject Property*" [as required pursuant to Section § 14-16-4-2 (C) (2) (c)]
6. The ZHE finds that the Applicant has met its burden of providing evidence (both oral testimony and written material) that establishes that substantial justice will be done if this Application is approved. [as required pursuant to Section § 14-16-4-2 (C) (2) (d)].
7. The Applicant testified that the two houses are located on the corner of High Street and Silver and they were built around 1907/1908. The homes are subject to the Huning Highland Historic Overlay Zone. In 2014 the Code Enforcement Unit had plans to submit a proposal to City Council recording demolition of this property which was deemed a "public nuisance and hazard." The ZHE finds that the Applicant's efforts will save the City the costs of demolition and the neighborhood the eye sore that has been bringing down property values for years.
8. The ZHE finds that the 460' variance to the minimum 3,500 square foot lot area for 715 Silver is minimal and understandable given the extent of rehabilitation required

on this site. Additionally, the Applicant provided some precedent in the area for lots that did not comply with this minimum requirement.

9. Applicant testified at the Hearing that the yellow "Notice of Hearing" signs were posted for the required time period as articulated within City of Albuquerque Code of Ordinances § 14-16-4-2 (B) (4).

CONCLUSIONS OF LAW:

The Applicant has met their burden of submitting an Application that provides evidence that satisfies the elements required within §14-16-4-2 (C) (2) of the Albuquerque Zoning Code.

DECISION:

APPROVAL WITH CONDITIONS of a **VARIANCE** of 460' to the minimum 3,600 sq. ft. lot area for the proposed address of 715 Silver SE.

If you wish to appeal this decision, you may do so by 5:00 p.m., on November 21, 2014 in the manner described below:


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.

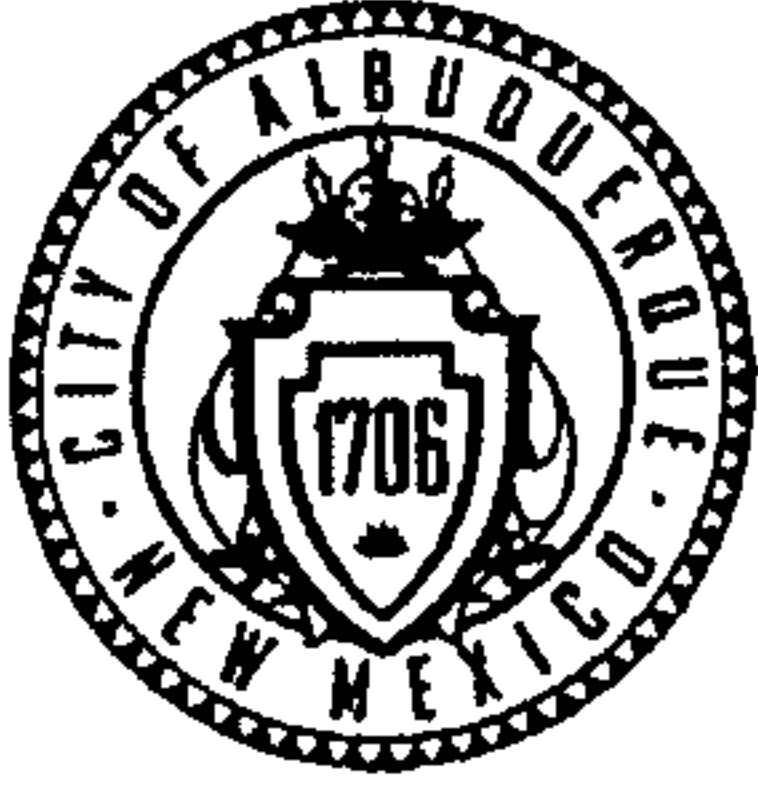
You will receive notice if any other person files an appeal. If there is no appeal, you can receive building permits any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. However, the Zoning Hearing Examiner may allow issuance of building 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.



Joshua J. Skarsgard, Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File
Ben and Amy Sturge, 301 Walter St NE 87102
Ann L Carson, 416 Walter SE 87102
Lauren Austin, lrnaustin1134@msn.com



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

BEN AND AMY STURGE requests a special exception to Pg 31 (B)(2) of Huning Highland SDP and Section 14-16-2-9(E)(4)(a): a VARIANCE of 1.5' to the required minimum 15' rear yard setback for 222 High Street SE for all or a portion of Lot 12, Block 42, HUNING HIGHLAND ADDN zoned SU-2 MR, located on 222 HIGH STREET SE (K-14)

Special Exception No: 14ZHE-80219
Project No:..... Project# 1010218
Hearing Date:..... 10-21-2014
Closing of Public Record:..... 10-21-2014
Date of Decision:..... 11-5-2014

On the 21st day of October, 2014 (hereinafter "**Hearing**") Ben and Amy Sturge (hereinafter "**Applicant**") appeared before the Zoning Hearing Examiner (hereinafter "**ZHE**") requesting a VARIANCE of 1.5' to the required minimum 15' rear yard setback (hereinafter "**Application**") upon the real property located at 222 High Street SE ("**Subject Property**"). Below are the findings of facts:

FINDINGS:

1. Applicant is requesting a VARIANCE of 1.5' to the required minimum 15' rear yard setback.
2. The City of Albuquerque Zoning Code of Ordinances Section § 14-16-4-2 (C) (2) "SPECIAL EXCEPTIONS – VARIANCE" reads in part: "*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 ZHE finds that the Applicant has met its burden of providing evidence (both oral testimony and written material) that establishes that the Application is not going to be: (i) contrary to the public interest, (ii) injurious to the community; or (iii) injurious to the property/improvements located in the nearby vicinity of the Subject Property. Specifically, the Applicant provided testimony that they are simply attempting to

rehabilitate these dilapidated older buildings on the Subject Property and there is comprehensive and extensive neighborhood support for the daunting task that this Applicant is taking on in their efforts to stabilize this property from years of being run down. The ZHE received evidence from the neighbors that this rehabilitation effort is supported. Specifically, the ZHE received a letter of support from Rob Dickson, Executive Director of EDO N.A. which states that 12 member board voted unanimously to support the four requests of the ZHE. Additionally, a letter was received from Bonnie Anderson the President of the Huning Highlands HAD, and from individuals Albert Gallegos and David Cook. All in all, it was an impressive representation from the residential neighbors all speaking with one voice that they support the Applicant's four applications for a Conditional Use and three variances. The ZHE finds that this Applicant has met their burden of proving that this project is NOT injurious to the community, rather it is very beneficial and admirable to have the kind of investment required to rehabilitate 222 High Street. [As required pursuant to Section § 14-16-4-2 (C) (2) (a)]. Further, the Application and testimony of the Applicant at the Hearing suggest that there is no neighborhood opposition to the Application.

4. The ZHE finds that the Applicant has met its burden of providing evidence (both oral testimony and written material) that establishes that there are "special circumstances" applicable to the Subject Property which do not apply generally to other property in the same zone and vicinity. Specifically, the Applicant provided testimony that the Subject Property was constructed prior to the adoption of the zoning code and they are uniquely shaped (narrow) lots that are not similar to many of the newer lots in Albuquerque [as required pursuant to Section § 14-16-4-2 (C) (2) (b)]
5. The ZHE finds that the Applicant has met its burden of providing evidence (both oral testimony and written material) that establishes that the special circumstances presented hereinabove were not "self-imposed", and that those special circumstances create an unnecessary hardship upon the Applicant. Specifically, the Applicant provided testimony that but for the narrowness of these lots that they would be able to comply with the Zoning Code which constitutes an "*unjustified limitation on the reasonable use of the Subject Property*" [as required pursuant to Section § 14-16-4-2 (C) (2) (c)]
6. The ZHE finds that the Applicant has met its burden of providing evidence (both oral testimony and written material) that establishes that substantial justice will be done if this Application is approved. [As required pursuant to Section § 14-16-4-2 (C) (2) (d)].
7. The Applicant testified that the two houses are located on the corner of High Street and Silver and they were built around 1907/1908. The homes are subject to the Huning Highland Historic Overlay Zone. In 2014 the Code Enforcement Unit had plans to submit a proposal to City Council recording demolition of this property which was deemed a "public nuisance and hazard." The ZHE finds that the Applicant's efforts will save the City the costs of demolition and the neighborhood the eye sore that has been bringing down property values for years.
8. The ZHE finds that the 1'5" variance to the required 15' rear yard setback is minimal and understandable given the extent of rehabilitation required on this site.

9. Applicant testified at the Hearing that the yellow "Notice of Hearing" signs were posted for the required time period as articulated within City of Albuquerque Code of Ordinances § 14-16-4-2 (B) (4).

CONCLUSIONS OF LAW:

The Applicant has met their burden of submitting an Application that provides evidence that satisfies the elements required within §14-16-4-2 (C) (2) of the Albuquerque Zoning Code.

DECISION:

APPROVAL WITH CONDITIONS of a **VARIANCE** of 1.5' to the required minimum 15' rear yard setback.

If you wish to appeal this decision, you may do so by 5:00 p.m., on November 21, 2014 in the manner described below:

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.

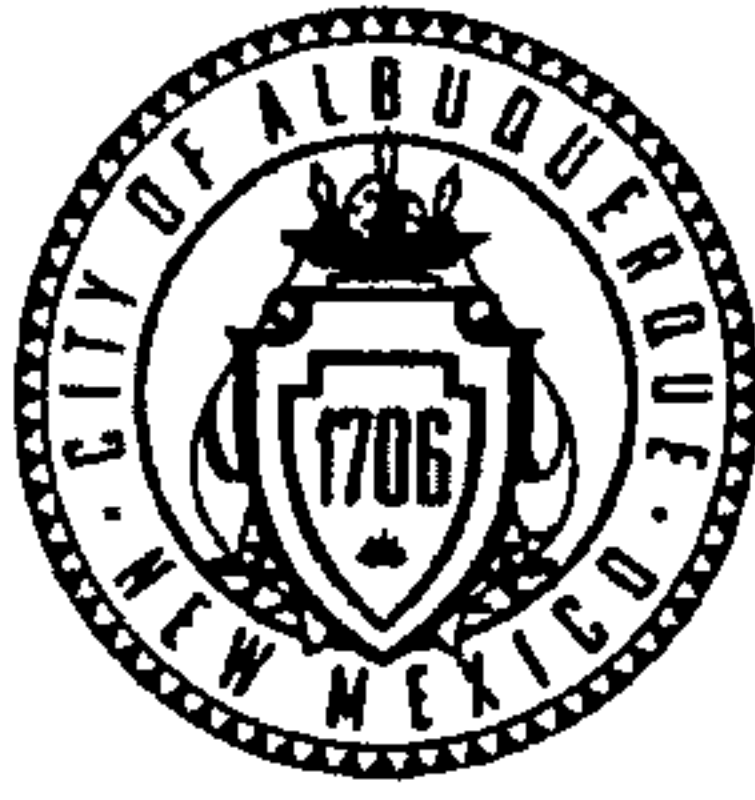
Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This decision does not constitute approval of plans for a building permit. If your

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.



Joshua L. Skarsgard, Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File
Ben and Amy Sturge, 301 Walter St NE 87102
Ann L Carson, 416 Walter SE 87102
Lauren Austin, lmaustin1134@msn.com



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

BEN AND AMY STURGE requests a special exception to Pg 31 (B)(2) of Huning Highland SDP and Section 14-16-2-9(E)(4)(a): a VARIANCE of 3'10" to the required minimum 15' rear yard setback for the proposed address of 715 Silver SE for all or a portion of Lot 12, Block 42, HUNING HIGHLAND ADDN zoned SU-2 MR, located on 222 HIGH STREET SE (K-14)

Special Exception No: 14ZHE-80220
Project No:..... Project# 1010218
Hearing Date:..... 10-21-2014
Closing of Public Record:..... 10-21-2014
Date of Decision: 11-5-2014

On the 21st day of October, 2014 (hereinafter "**Hearing**") Ben and Amy Sturge (hereinafter "**Applicant**") appeared before the Zoning Hearing Examiner (hereinafter "**ZHE**") requesting a VARIANCE of 3'10" to the required minimum 15' rear yard setback for the proposed address of 715 Silver SE (hereinafter "**Application**") upon the real property located at 222 High Street SE ("**Subject Property**"). Below are the findings of facts:

FINDINGS:

1. Applicant is requesting a VARIANCE of 3'10" to the required minimum 15' rear yard setback for the proposed address of 715 Silver SE.
2. The City of Albuquerque Zoning Code of Ordinances Section § 14-16-4-2 (C) (2) "SPECIAL EXCEPTIONS – VARIANCE" reads in part: "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 ZHE finds that the Applicant has met its burden of providing evidence (both oral testimony and written material) that establishes that the Application is not going to be: (i) contrary to the public interest, (ii) injurious to the community; or (iii) injurious

to the property/improvements located in the nearby vicinity of the Subject Property. Specifically, the Applicant provided testimony that they are simply attempting to rehabilitate these dilapidated older buildings on the Subject Property and there is comprehensive and extensive neighborhood support for the daunting task that this Applicant is taking on in their efforts to stabilize this property from years of being run down. The ZHE received evidence from the neighbors that this rehabilitation effort is supported. Specifically, the ZHE received a letter of support from Rob Dickson, Executive Director of EDO N.A. which states that 12 member board voted unanimously to support the four requests of the ZHE. Additionally, a letter was received from Bonnie Anderson the President of the Huning Highlands HAD, and from individuals Albert Gallegos and David Cook. All in all, it was an impressive representation from the residential neighbors all speaking with one voice that they support the Applicant's four applications for a Conditional Use and three variances. The ZHE finds that this Applicant has met their burden of proving that this project is NOT injurious to the community, rather it is very beneficial and admirable to have the kind of investment required to rehabilitate 222 High Street. [as required pursuant to Section § 14-16-4-2 (C) (2) (a)]. Further, the Application and testimony of the Applicant at the Hearing suggest that there is no neighborhood opposition to the Application.

4. The ZHE finds that the Applicant has met its burden of providing evidence (both oral testimony and written material) that establishes that there are "special circumstances" applicable to the Subject Property which do not apply generally to other property in the same zone and vicinity. Specifically, the Applicant provided testimony that the Subject Property was constructed prior to the adoption of the zoning code and they are uniquely shaped (narrow) lots that are not similar to many of the newer lots in Albuquerque [as required pursuant to Section § 14-16-4-2 (C) (2) (b)]
5. The ZHE finds that the Applicant has met its burden of providing evidence (both oral testimony and written material) that establishes that the special circumstances presented hereinabove were not "self-imposed", and that those special circumstances create an unnecessary hardship upon the Applicant. Specifically, the Applicant provided testimony that but for the narrowness of these lots that they would be able to comply with the Zoning Code which constitutes an "*unjustified limitation on the reasonable use of the Subject Property*" [as required pursuant to Section § 14-16-4-2 (C) (2) (c)]
6. The ZHE finds that the Applicant has met its burden of providing evidence (both oral testimony and written material) that establishes that substantial justice will be done if this Application is approved. [as required pursuant to Section § 14-16-4-2 (C) (2) (d)].
7. The Applicant testified that the two houses are located on the corner of High Street and Silver and they were built around 1907/1908. The homes are subject to the Huning Highland Historic Overlay Zone. In 2014 the Code Enforcement Unit had plans to submit a proposal to City Council recording demolition of this property which was deemed a "public nuisance and hazard." The ZHE finds that the Applicant's efforts will save the City the costs of demolition and the neighborhood the eye sore that has been bringing down property values for years.

8. The ZHE finds that the 3' 10" variance to the required 15' rear yard setback is minimal and understandable given the extent of rehabilitation required on this site.
9. Applicant testified at the Hearing that the yellow "Notice of Hearing" signs were posted for the required time period as articulated within City of Albuquerque Code of Ordinances § 14-16-4-2 (B) (4).

CONCLUSIONS OF LAW:

The Applicant has met their burden of submitting an Application that provides evidence that satisfies the elements required within §14-16-4-2 (C) (2) of the Albuquerque Zoning Code.

DECISION:

APPROVAL WITH CONDITIONS of a **VARIANCE** of 3'10" to the required minimum 15' rear yard setback for the proposed address of 715 Silver SE.

If you wish to appeal this decision, you may do so by 5:00 p.m., on November 21, 2014 in the manner described below:

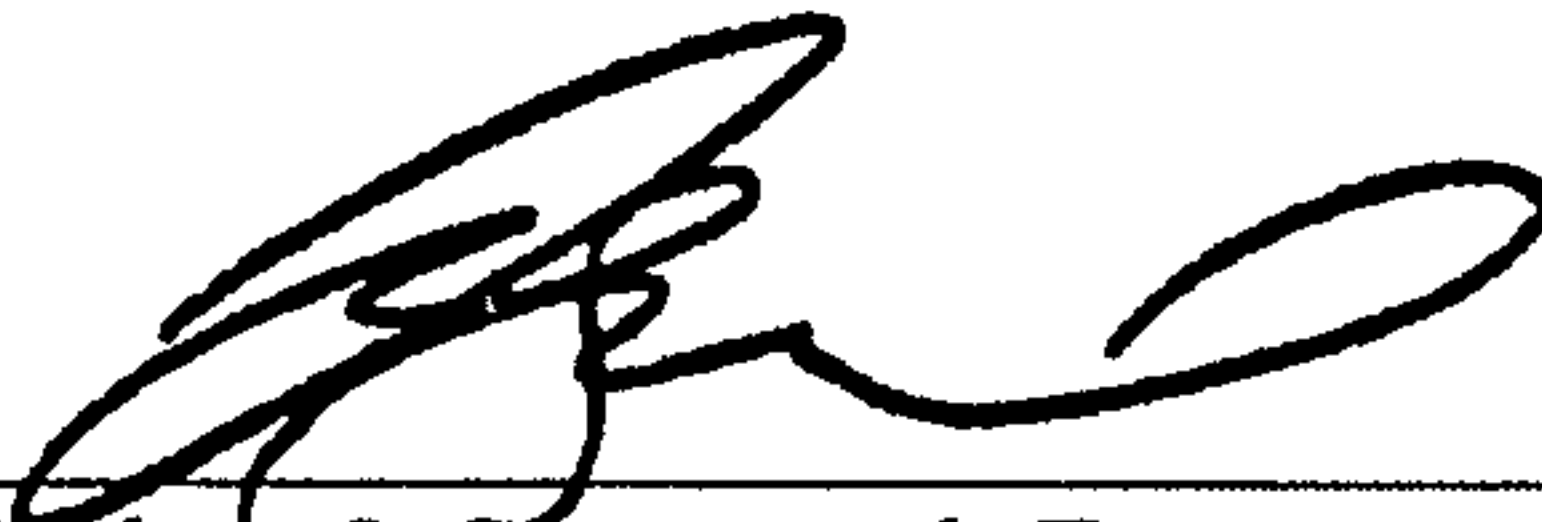
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cc: Zoning Enforcement
ZHE File
Ben and Amy Sturge, 301 Walter St NE 87102
Ann L Carson, 416 Walter SE 87102
Lauren Austin, lrnaustin1134@msn.com

PROJECT #

1010218

OCTOBER 7, 2015

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