



Please check the appropriate box and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application.

<b>Administrative Decisions</b>	<input type="checkbox"/> Historic Certificate of Appropriateness – Major (Form L)	<input type="checkbox"/> Wireless Telecommunications Facility Waiver (Form W2)
<input type="checkbox"/> Archaeological Certificate (Form P3)	<input type="checkbox"/> Historic Design Standards and Guidelines (Form L)	<b>Policy Decisions</b>
<input type="checkbox"/> Historic Certificate of Appropriateness – Minor (Form L)	<input type="checkbox"/> Master Development Plan (Form P1)	<input type="checkbox"/> Adoption or Amendment of Comprehensive Plan or Facility Plan (Form Z)
<input type="checkbox"/> Alternative Signage Plan (Form P3)	<input type="checkbox"/> Site Plan – EPC including any Variances – EPC (Form P1)	<input type="checkbox"/> Adoption or Amendment of Historic Designation (Form L)
<input type="checkbox"/> WTF Approval (Form W1)	<input type="checkbox"/> Site Plan – DRB (Form P2)	<input type="checkbox"/> Amendment of IDO Text (Form Z)
<input type="checkbox"/> Minor Amendment to Site Plan (Form P3)	<input checked="" type="checkbox"/> Subdivision of Land – Minor (Form S2)	<input type="checkbox"/> Annexation of Land (Form Z)
<b>Decisions Requiring a Public Meeting or Hearing</b>	<input type="checkbox"/> Subdivision of Land – Major (Form S1)	<input type="checkbox"/> Amendment to Zoning Map – EPC (Form Z)
<input type="checkbox"/> Conditional Use Approval (Form ZHE)	<input type="checkbox"/> Vacation of Easement or Right-of-way (Form V)	<input type="checkbox"/> Amendment to Zoning Map – Council (Form Z)
<input type="checkbox"/> Demolition Outside of HPO (Form L)	<input type="checkbox"/> Variance – DRB (Form V)	<b>Appeals</b>
<input type="checkbox"/> Expansion of Nonconforming Use or Structure (Form ZHE)	<input type="checkbox"/> Variance – ZHE (Form ZHE)	<input type="checkbox"/> Decision by EPC, LC, DRB, ZHE, or City Staff (Form A)

<b>APPLICATION INFORMATION</b>		
Applicant: RONALD V. GARCIA	Phone:	
Address: 1723 ZICKERT PL NW	Email:	
City: ALBUQUERQUE	State: NM	Zip: 87104
Professional/Agent (if any): ARCH PLAN LAND USE CONSULTANTS	Phone: 505.980.8365	
Address: P.O. BOX 25911	Email: archplan@comcast.net	
City: ALBUQUERQUE	State: NM	Zip: 87125
Proprietary Interest in Site: OWNERS	List all owners:	

<b>BRIEF DESCRIPTION OF REQUEST</b>
LOT REALIGNMENT

<b>SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)</b>		
Lot or Tract No.: 809	Block:	Unit:
Subdivision/Addition: ZICKERT	MRGCD Map No.:	UPC Code: 1-012-059-440-302-104-13 1-012-059-441-315-104-14
Zone Atlas Page(s): H-12	Existing Zoning: R-A	Proposed Zoning: N/A
# of Existing Lots: 2	# of Proposed Lots: 2	Total Area of Site (acres): 1±

<b>LOCATION OF PROPERTY BY STREETS</b>		
Site Address/Street: 1723 & 1801 ZICKERT NW	Between: ZICKERT RD	and: DURANES RD

<b>CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)</b>		
1011590		

Signature: <i>Derrick Archuleta</i>	Date: 7.3.18
Printed Name: DERRICK ARCHULETA	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent

<b>FOR OFFICIAL USE ONLY</b>		
Case Numbers	Action	Fees
-		
-		
-		
Meeting/Hearing Date:	Fee Total:	
Staff Signature:	Date:	Project #



**FORM S2: SUBDIVISION OF LAND – MINOR ACTIONS**

*Please refer to the DRB minor case schedule for meeting dates and deadlines. Bring original Mylar of plat with property owner's and City Surveyor's signatures on it to the meeting. Your attendance is required.*

*A single PDF file of the complete application including all plans and documents being submitted must be emailed to [PLNDRS@cabq.gov](mailto:PLNDRS@cabq.gov) prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided on a CD.*

**A Variance – DRB for the Bulk Transfer of Land** requires application on Form V in addition to this FORM S2.

**INFORMATION REQUIRED FOR ALL MINOR SUBDIVISION APPLICATIONS**

- Interpreter Needed for Hearing?  if yes, indicate language: \_\_\_\_\_
- Zone Atlas map with the entire site clearly outlined and labeled

**SKETCH PLAT REVIEW AND COMMENT**

- Scale drawing of the proposed subdivision plat (7 copies, folded)
- Site sketch with measurements showing structures, parking, building setbacks, adjacent rights-of-way and street improvements, if there is any existing land use (7 copies, folded)
- Letter describing, explaining, and justifying the request

**MAJOR SUBDIVISION FINAL PLAT APPROVAL**

- Proposed Final Plat (7 copies, 24" x 36" folded)
- Design elevations & cross sections of perimeter walls (3 copies)
- Copy of recorded IIA
- DXF file and hard copy of final plat data for AGIS submitted and approved
- Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer

**MINOR SUBDIVISION PRELIMINARY/FINAL PLAT APPROVAL**

- Sites 5 acres or greater: Archaeological Certificate in accordance with IDO Section 14-16-6-5(A)
- Proposed Preliminary / Final Plat with property owner's and City Surveyor's signatures on the plat prior to submittal. (7 copies, folded)
- Cross sections of proposed streets (3 copies, 11" by 17" maximum)
- Site sketch with measurements showing structures, parking, building setbacks, adjacent rights-of-way and street improvements (to include sidewalk, curb & gutter with distance to property line noted) if there is any existing land use (7 copies, folded)
- Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-6(I)
- Form DRWS Drainage Report, Grading and Drainage Plan, and Water & Sewer Availability Statement submittal information
- Proposed Infrastructure List, if applicable
- Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
- DXF file and hard copy of final plat data for AGIS submitted and approved

**MINOR AMENDMENT TO PRELIMINARY PLAT**

- Proposed Amended Preliminary Plat, Infrastructure List, and/or Grading Plan (7 copies, folded)
- Original Preliminary Plat, Infrastructure List, and/or Grading Plan (7 copies, folded)
- Infrastructure List, if applicable
- Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-4(X)(2)

**Note: Any application that does not qualify as a Minor Amendment in IDO Section 14-16-6-4(X) must be processed as a Major Amendment. See Form S1.**

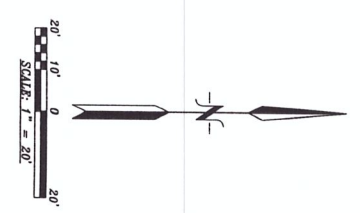
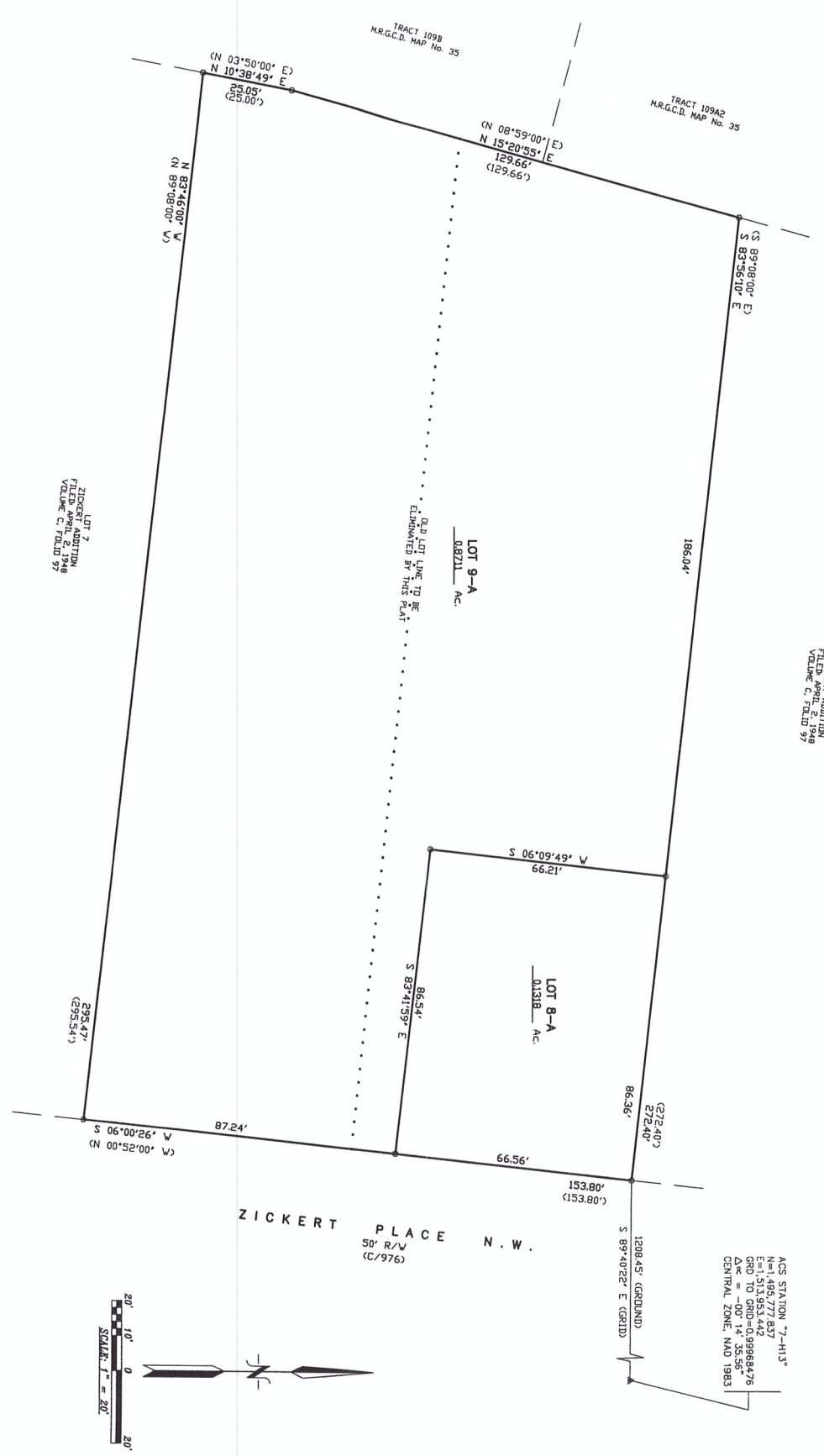
<i>I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting or hearing, if required, or otherwise processed until it is complete.</i>	
Signature:	Date: 7.3.18
Printed Name: DERRICK ARCHULETA	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent
FOR OFFICIAL USE ONLY	
Project Number:	Case Numbers
_____	-
_____	-
_____	-
Staff Signature:	
Date:	

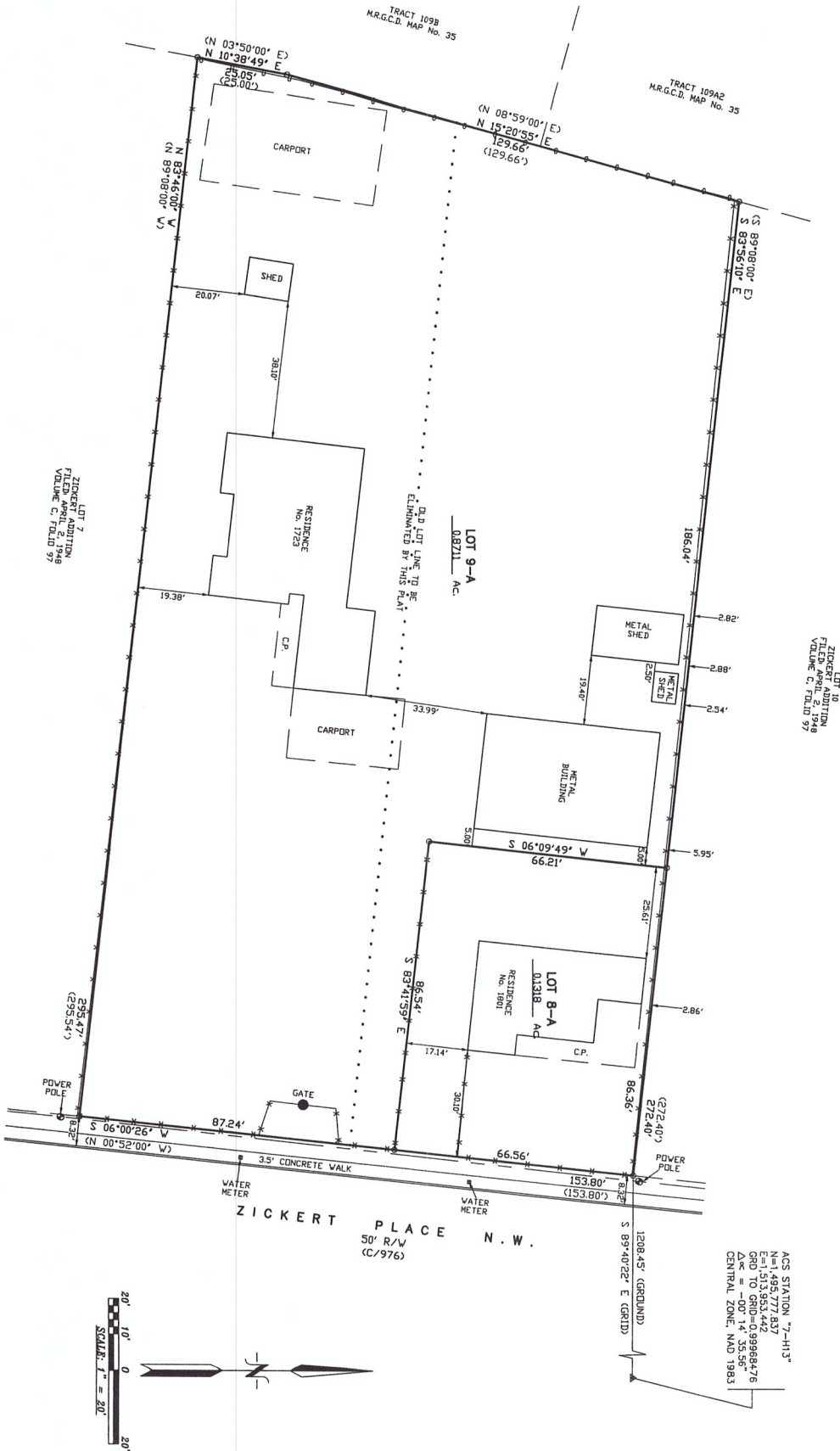




**PLAT OF  
LOTS 8-A AND 9-A  
ZICKERT ADDITION**

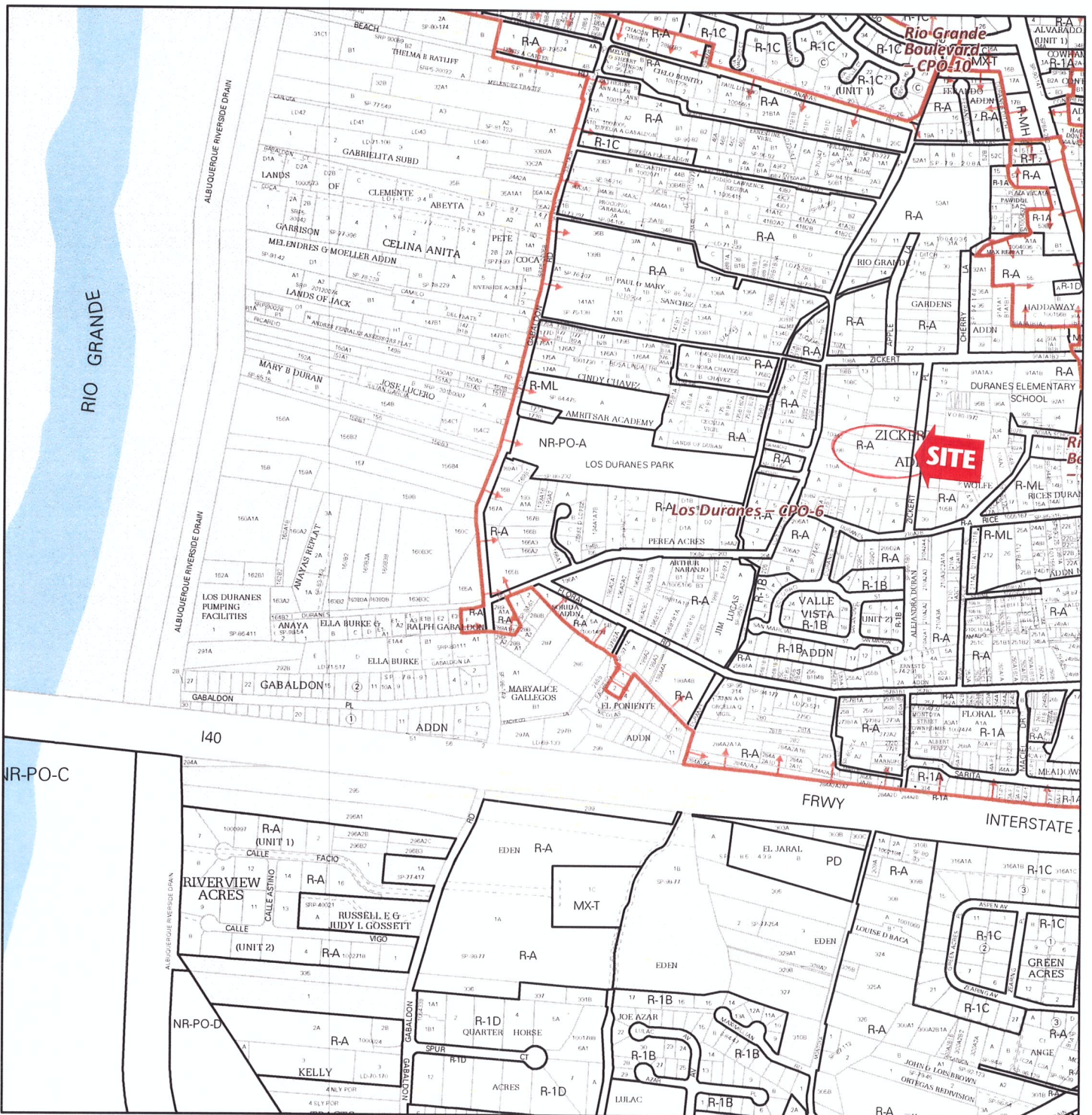
WITHIN  
TOWN OF ALBUQUERQUE GRANT  
PROJECTED SECTION 12, TOWNSHIP 10 NORTH, RANGE 2 EAST, N.M.P.M.  
CITY OF ALBUQUERQUE  
BERNALILLO COUNTY, NEW MEXICO  
APRIL, 2016





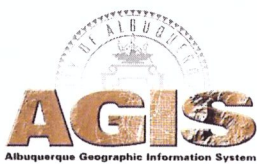
**PLAT OF**  
**LOTS 8-A AND 9-A**  
**ZICKERT ADDITION**  
WITHIN  
TOWN OF ALBUQUERQUE GRANT  
PROJECTED SECTION 12, TOWNSHIP 10 NORTH, RANGE 2 EAST, N.M.P.M.  
CITY OF ALBUQUERQUE  
BERNALILLO COUNTY, NEW MEXICO  
APRIL, 2016



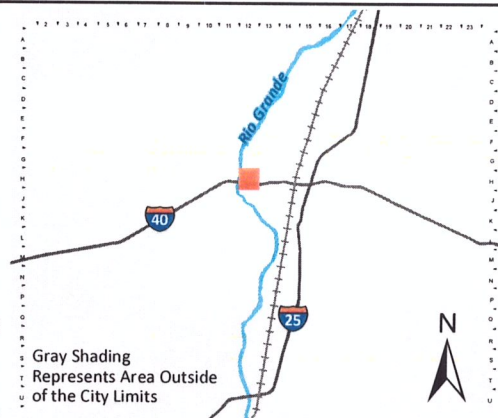


For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

# IDO Zone Atlas May 2018



IDO Zoning information as of May 17, 2018  
The Zone Districts and Overlay Zones  
are established by the  
Integrated Development Ordinance (IDO).



Zone Atlas Page:  
**H-12-Z**

- Easement
- Escarpment
- Petroglyph National Monument
- Areas Outside of City Limits
- Airport Protection Overlay (APO) Zone
- Character Protection Overlay (CPO) Zone
- Historic Protection Overlay (HPO) Zone
- View Protection Overlay (VPO) Zone

0 250 500 1,000 Feet



**ARCH+PLAN**  
**LAND USE CONSULTANTS**  
**ALBUQUERQUE NM**

July 2, 2018

Kym Dicome, Chair  
City of Albuquerque  
Development Review Board  
600 2<sup>nd</sup> St NW  
Albuquerque NM

**RE: LOTS 8 AND 9, ZICKERT ADDITION**

Ms. Dicome and members of the Board:

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

The property owner would like to realign the lot lines between existing Lots 8 and 9 to accurately reflect existing development on the properties. Proposed Lots 8-A is to be 0.1318± acre, Lot 9-A is to be 0.8711± acres on property zoned R-A (Rural and Agricultural)

The property is currently developed with single family residences on each proposed lot.

The request also includes the granting of lot size and lot width variances by the Zoning Hearing Examiner at the May 15, 2018 public hearing for proposed Lot 8-A.

The site is located within the Near North Valley Planning Area and governed by the Area of Consistency of the Albuquerque/Bernalillo County Comprehensive Plan.

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

RON GARCIA (ARCH+PLAN LAND USE CONSULTANTS, AGENT) requests a special exception to Section 14-16-2-5(D): a VARIANCE of 5,151 square feet to the required 10,890 and a VARIANCE of 8.79 feet to the required 75 feet in width for a proposed new lot for all or a portion of Lot 9, ZICKERT ADDN zoned SU-2 LD RA-2, located on 1801 ZICKERT PL NW (H-12)

Special Exception No:..... **18ZHE-80085**  
Project No: ..... **Project# 1011590**  
Hearing Date: ..... 05-15-2018  
Closing of Public Record: ..... 05-15-2018  
Date of Decision: ..... 05-30-2018

On the 15th day of May, 2018, ARCH+PLAN LAND USE CONSULTANTS (“Agent”) acting as agent on behalf of the property owner RON GARCIA (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 5,151 square feet to the required 10,890 and a VARIANCE of 8.79 feet to the required 75 feet in width for a proposed new lot (“Application”) upon the real property located at 1801 ZICKERT PL NW (“Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 5,151 square feet to the required 10,890 and a VARIANCE of 8.79 feet to the required 75 feet in width for a proposed new lot.
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. Applicant proposes a lot line adjustment and not a new subdivision.



6. There is currently a family compound dating to the 1950's on the two lots, Lot 8-A and Lot 9-A. Applicant does not propose any additional residences.
7. Concerns were expressed that the remaining Lot 9-A, at .87 acres after the adjustment, could be further subdivided. Applicant does not propose any additional division.
8. No changes are intended in use for either lot, and so long as appropriate conditions can be imposed there should be no injury resulting from the approval.
9. The Application furthers the Los Duranes Sector Plan goal of facilitating intergenerational transfers.
10. 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).
11. Specifically, the ZHE finds that the unique nature of the Subject Property is that because it was used and treated as a family compound several structures were constructed without regard to the platted lot line, resulting in a development pattern that makes it impossible for Applicant to transfer only a house and reasonable yard area to his son, without also transferring other structures owned by Applicant.
12. 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).
13. Specifically, the ZHE finds that now that Applicant intends to transfer a house to his son, granting the variance will permit transfer of the house and yard area without requiring the transfer of other structures, which would impose an unreasonable hardship.
14. 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).
15. 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).
16. 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 WITH CONDITIONS of a variance of 5,151 square feet to the required 10,890 and a VARIANCE of 8.79 feet to the required 75 feet in width for a proposed new lot.

### CONDITIONS OF APPROVAL:

Lot 9-A shall not be further subdivided. A note shall be placed on the plat noting this restriction.

If you wish to appeal this decision, you must do so by June 14, 2018, 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.





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Christopher L. Graeser, Esq.  
Zoning Hearing Examiner

cc: Zoning Enforcement  
ZHE File  
Ron Garcia, 1723 Zickert PL NW, 87104  
Arch+Plan Land Use Consultants, PO BOX 25911, 87125  
William Herring, 3104 Coca RD NW, 87104