

ZA-78-430

# OFFICIAL NOTICE

## DECISION ON A REQUESTED SPECIAL EXCEPTION

As provided by the Comprehensive City Zoning Code,  
Chapter 7, Article XIV, Revised Ordinances of Albuquerque, NM, 1974

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
P.O. Box 1293, Albuquerque, NM 87103

Encino House East, Inc., requests  
a conditional use on Lots 1-9 and  
16-24, Tijeras Place Addition,  
zoned C-2, and located on Highland  
SE, between Palomas and Alvarado  
Streets.

Decision No.: ZA-78-430  
Hearing Date: December 6, 1978  
Decision Date: December 6, 1978

**FINDINGS:** The proposal fits into this neighborhood. It will not be injurious to the neighborhood or appropriate use of adjoining property and is consistent with the intent and purposes of the Zoning Code and Comprehensive Plan.

**DECISION:** A conditional use for a three-story building with 43 apartment dwelling units is approved as requested.

**NOTE:** The submittal does not identify how full parking requirements will be met. This approval does not include a parking area variance at this time.

If you wish to appeal this decision, you may do so by December 21, 1978 in the manner described below, as excerpted from Section 45 of the Comprehensive City Zoning Code.

**Jurisdiction.** Appeal is to the Planning Commission.

**Application.** A special exception decision is final unless appeal is initiated by application to the City on prescribed forms within 15 days of the decision.

**Fee.** A filing fee to \$40 shall accompany each appeal application. When an application is withdrawn the fee shall not be refunded.

**Hearing and Decision.** An appeal shall be heard within 60 days of its filing. The decision shall be following a public hearing. This hearing shall review carefully the previous decisions on the matter. The Planning Department shall give written notice of an appeal, together with a notice of the date, time, and place of hearing to the applicant, a representative of the opponents, if any are known, and the appellant.

The above decision is not final and building permits dependent on it will not normally be issued until an appeal is decided or the time for filing the appeal has expired without an appeal being filed. However, if public hearing produces no objection of any kind to approval of an application, which application is approved, the Hearing Examiner may allow issuance of a building permit before 15 days. To receive this approval, the applicant agrees in writing to return related building permits if an appeal is duly filed.

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 when you apply for any related building permit or occupation tax number.

Approval of a conditional use or variance application is void after one year from date of approval if the rights and privileges granted thereby have not been executed or utilized.

DAP/cac

cc: Jim King, PO Box 25027; 87125

ZA-78-429 (Cont'd)

to be 19 feet from the front lot line. He inquired if it would matter that the second story sticks out two feet over the first story; therefore, it is only 17 feet from the front lot line.

Mr. Peterson stated he feels the request should be readvertised for three feet. However, he will approve the one foot variance. He closed the hearing contingent upon hearing from the applicant.

Since the hearing, Mr. Laws contacted the office and asked that the request be readvertised for a three foot variance to be heard at the January 10, 1979 hearing.

8. ZA-78-430. Encino House East, Inc., requests a conditional use for 43 apartment dwelling units on Lots 1-9 and 16-24, Block 61, Tijeras Place Addition, zoned C-2, and located on Highland, S.E., between Palomas and Alvarado Streets.

Jim King was present to represent the request. Mr. Peterson noted he visited the site. He noted that a parking variance was not requested and added that full parking compliance is needed at this stage.

Mr. King explained they needed this approval because of the time frame for filling out the necessary paperwork.

Mr. Peterson stated his findings.

FINDINGS: The proposal fits into this neighborhood. It will not be injurious to the neighborhood or appropriate use of adjoining property and is consistent with the intent and purposes of the Zoning Code and Comprehensive Plan.

DECISION: A conditional use for a three-story building with 43 apartment dwelling units is approved as requested.

NOTE: The submittal does not identify how full parking requirements will be met. This approval does not include a parking area variance at this time.

9. ZA-78-431 Temple Lodge #6 requests a conditional use for a watchman's mobile home on an unplatted parcel of land situate at the northeast corner of Indian School Road and University Boulevard, zoned C-3, and located at 1634 University Boulevard, N.E.

Mr. Self was present to represent the request. Mr. Peterson noted he visited the site and had no problems with the request. He stated his findings.

MINUTES  
ZONING HEARING EXAMINER'S PUBLIC HEARING

January 10, 1979

PLANNING DEPARTMENT STAFF PRESENT: Donald A. Peterson, Zoning Hearing Examiner  
Cathy Chavez, Recording Secretary

1. ZA-78-430-1 Encino House East, Inc., requests a 35 space parking variance to allow an apartment with 43 dwelling units and a laundry room to have 33 parking spaces on Lots 1-9 and 16-24, Block 61, Tijeras, Place Addition, zoned C-2, and located on Highland, S.E., between Palomas and Alvarado Streets.

Jim King was present to represent the request. Mr. Peterson read the comments from the Traffic Engineer.

Mr. King stated there would be no problem in complying with them. He also noted that they have had no problems with the other two similar projects; one consisting of 152 units and the other 165, in using the 3/4 ratio. In fact, they have even had a surplus of parking.

Mr. Peterson inquired as to how large the laundry room would be. Mr. King noted it is approximately 400 square feet.

Mr. Peterson stated he would close the hearing and make a decision within 15 days.

SEE APPENDIX.

2. ZA-79-2 Sorta Inc., requests a conditional use for an adult book store on the southern portions of Lots 25 and 26, Block 1, Fair Grounds Addition, zoned C-2, and located at 124 San Pedro Drive, S.E.

No one was present to represent the request. Mr. Peterson noted that they failed to post the sign for the required length of time; he noted that he did visit the property. He read the comments from the Zoning Enforcement Officer.

Frances Ramey, 6507 Cochiti, S.E., spoke in opposition to this request. She noted that she did not want the type of people an establishment of this nature attracts in their neighborhood. She said it had been there two to three months already.

Mr. Peterson deferred the request to the February 7, 1979 hearing.

## APPENDIX

## FINDINGS AND DEFERRED DECISIONS

Zoning Hearing Examiner's Hearing - January 10, 1979

ZA-78-439-1

Encino House East, Inc., requests a 35 space parking variance to allow an apartment with 43 dwelling units and a laundry room to have 33 parking spaces on Lots 1-9 and 16-24, Block 61, Tijeras Place Addition, zoned C-2, and located on Highland, S.E., between Palomas and Alvarado Streets.

**FINDINGS:** The proposed 43 unit apartment is intended for elderly tenants only. The only special common room will be a laundry room of 336 square feet. The normal parking space requirement would be 66 spaces. Experience at other similar apartments for the elderly has shown that the proposed ratio of 3/4 parking unit per dwelling unit is sufficient. The type of occupancy is an exceptional physical condition. The proposed variance will not be injurious to the neighborhood or appropriate use of adjoining property and is consistent with the intent and purposes of the Zoning Code and Comprehensive Plan.

The required variance is 33 spaces.

**DECISION:** The required 33 space parking variance is approved for an apartment unit of 43 dwelling units, all of which shall be occupied by the elderly, and a laundry room of 336 square feet.

**NOTE:** A park development fee of \$39.00 per dwelling unit will be required by the City.

ZA-79-4

J. A. Hoffman requests a conditional use for 24 dwelling units in six apartment buildings on Lots 3-14, Block 39, Valley View Addition, zoned C-2, and located in the 100 block of Manzano, N.E., between Central and Copper Avenues.

**FINDINGS:** If properly developed, the proposed 24 dwelling units in six two-story apartment buildings will not be injurious to the neighborhood or appropriate use of adjoining property and is consistent with the intent and purposes of the Zoning Code and Comprehensive Plan.

**DECISION:** A conditional use for two-story apartments is approved as requested on the conditions that (1) the site development plan is adhered to, (2) the landscaping plan submitted 1-17-79 is executed concurrently with or within three months after completion of the building project and (3) uses are restricted to those allowed in the R-3 zone.

NOTICE OF PUBLIC HEARING  
ZONING HEARING EXAMINER - - CITY OF ALBUQUERQUE

TO ALL CITIZENS AND PARTIES IN INTEREST:

Notice is hereby given that the Zoning Hearing Examiner, City of Albuquerque, will hold a public hearing in the Isleta Room, Convention Center, 401 Second Street, N.W., on Wednesday, January 10, 1979, at 10:00 A.M., for the purpose of considering the following requests:

ZA-78-430-1

Encino House East, Inc., requests a 35 space parking variance to allow an apartment with 43 dwelling units and a laundry room to have 33 parking spaces on Lots 1-9 and 16-24, Block 61, Tijeras Place Addition, zoned C-2, and located on Highland, S.E., between Palomas and Alvarado Streets. (K-18)

ZA-79-2

Sorta Inc., requests a conditional use for an adult book store on the southern portions of Lots 25 and 26, Block 1, Fair Grounds Addition, zoned C-3, and located at 124 San Pedro Boulevard, S.E. (K-18)

ZA-79-4

J. A. Hoffman requests a conditional use for 24 dwelling units in six apartment buildings on Lots 3-14, Block 39, Valley View Addition, zoned C-2, and located in the 100 block of Manzano, N.E., between Central and Copper Avenues. (K-17)

ZA-79-5

Hanson Homes requests a two foot side setback variance to allow a house to remain as close as three feet from the east side lot line on Lot 70, Kachina Hills Unit I, zoned R-1, and located at 13017 Bluecorn Maiden, N.E. (H-23)

ZA-79-6

Edward Lopez requests a 1.5 foot rear setback variance to allow a house to extend to 13.5 feet from the rear lot line on Lot B, replat of Tracts 193B and 194A1A7A, Jesse Lopez Lands, MRGCD Map No. 35, zoned R-1, and located at 1416 Delia, N.W. (H-12)

ZA-79-7

3rd Century Homes requests a 767.15 square foot lot area variance to allow platting of a 5,232.85 square foot lot (for a house) on about half of what is now Lots A and B, Mesa Verde Addition, zoned R-2, and located at 8500 and 8508 Marquette, N.E. (K-19)

ZA-78-429

Presley Company of New Mexico requests a three foot front setback variance to allow a house which comes as close as 19 feet from the front lot line on Lot 20, Block 5, Montano West Addition, zoned R-1, and located at 5712 Sweetwater Drive, N.W. (Deferred from 12-6-78) (E-11)

ZA-79-8

Presley Company of New Mexico requests a 1.5 foot front setback variance to allow retention of a house 18.5 feet from the front lot line on Lot 23, Block 3, West Mesa Manor, zoned R-1, and located at 7317 Aladdin Court, N.W. (J-10)

ZA-78-20

P-S Construction Company requests a 1.5 foot front setback variance to allow a house 18.5 feet from the front lot line on Lot 14, Block 1, Montano West Subdivision, zoned R-1, and located at 6105 Flor de Rio, N.W. (E-11)

Details of these applications may be examined at the Planning Department, Room 601, City Hall, 4th and Marquette, N.W., between 8:00 A.M. and 5:00 P.M., Monday thru Friday.

Donald A. Peterson  
Zoning Hearing Examiner

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL ON TUESDAY, DECEMBER 26, 1978.

NOTICE OF PUBLIC HEARING  
ZONING HEARING EXAMINER - - CITY OF ALBUQUERQUE

TO ALL CITIZENS AND PARTIES IN INTEREST:

Notice is hereby given that the Zoning Hearing Examiner, City of Albuquerque, will hold a public hearing in Room 726, City Hall, 400 Marquette, NW, on Wednesday, December 6, 1978, at 1:00 P.M., for the purpose of considering the following requests:

- ZA-78-423 Alfonso Morris requests a three foot height variance to allow retention of the existing six foot fence in the front or corner side setback areas on Lot 10, Block 3, Apodaca Addition, zoned R-1, and located at 804 Pacific, SW. (K-13)
- ZA-78-424 Cauwels and Davis request a conditional use for 32 apartment dwelling units on 12.89 acres of Tract H-7-B, La Reina De Los Altos, Unit #2, zoned C-2, and located at 3000 Jane Pl., NE. (G-21)
- ZA-78-425 Western Development Company requests a 0.3 foot side setback variance to allow a house with a 4.7 foot west side setback on Lot 27, Block 13, Candlelight Hill, Unit 1, zoned R-1, and located at 9421 Avenida del Oso, NE. ((F-20)
- ZA-78-426 John J. McMullan & William Wonell request a 15 foot rear setback variance to allow a building addition 15 feet 4 inches wide to extend to the rear (alley) property line on Parcel E, Block B, Louisiana Subdivision, zoned O-1, and located at 7017 Prospect Pl., NE. (H-19)
- ZA-78-427 Garfield Office Buildings, an undivided one-half interest partnership between F. R. Stubbs and R. P. Friggans, request a five foot front setback variance to allow a building addition to extend to the Garfield right of way line on Lot 11, the east 40 feet of Lot 10, and 7 feet of abandoned Albert Avenue, Block 68, University Heights Addition, zoned O-1, and located at 2500 Garfield Avenue, SE. (K-16)
- ZA-78-428 Blue Sky Skateboard Park requests a building type variance to allow a temporary office structure which does not meet the Building Code on Lot B-1, Roadrunner Investor's Land, zoned C-3, and located at 4715 McLeod, Road NE. (F-17)
- ZA-78-429 Presley Company of New Mexico requests a one foot front setback variance to allow a house which comes as close as 19 feet from the front lot line on Lot 20, Block 5, Montano West Addition, zoned R-1, and located at 5712 Sweetwater Drive, NE. (E-11)
- ZA-78-430 Encino House East, Inc., requests a conditional use for 43 apartment dwelling units on Lots 1-9 and 16-24, Block 61, Tijeras Place Addition, zoned C-2, and located on Highland, SE, between Palomas and Alvarado Streets. (K-18)

5 City Engineer  
1 City Clerk  
1 City Attorney  
1 City Planner  
1 City Administrator

December 6, 1978

- ZA-78-431 Temple Lodge #6 requests a conditional use for a watchman's mobile home on an unplatted parcel of land situate at the northeast corner of Indian School Road and University Boulevard, zoned C-3, and located at 1634 University Boulevard, NE. (J-15)
- ZA-78-432 Ralph M. and Sheran N. Marron request a three foot side setback variance to allow an air conditioning unit to extend to as close as one foot from the southeast side lot line on Lot 14, Block 26, Huning Castle Addition, zoned R-1, and located at 1655 Kit Carson, SW. (K-13)
- ZA-78-433 San Martin Associates requests a conditional use for one dwelling for a manager/caretaker in connection with the household storage business on Tract G of the amended replat of Tract B-1, Unit 2, Academy Acres Subdivision, zoned C-2, and located on Academy Boulevard, NE, between San Mateo Boulevard and McKinney Drive. (E-18)
- ZA-78-434 John Maloney, Jr., requests a 5 foot 4 inch distance variance to allow an apartment to be built 4 feet 8 inches from the existing residence on Lots 23 and 24, Block 23, Mesa Verde Addition, zoned R-2, and located at 346 Virginia, NE. (K-19)
- ZA-78-435 Bernie L. Madrid requests a four foot front setback variance and a four foot rear setback variance to allow an apartment with projections at the second floor level extending to 11 feet from both the east and west lot lines on Lots 1 and 2, Block 22, Tijeras Place Addition, zoned R-3, and located at 320 La Veta, NE. (K-18)
- ZA-78-436 Gard Z. Antreasian requests a 2.5 foot side setback variance to allow an addition to the house (a garage with open front and rear) to extend to 2.5 feet from the side lot line on Lot 4, Block 10, Huning Castle Addition, zoned R-1, and located at 1520 Los Alamos, SW. (J-13)
- ZA-78-437 Eddie Martinez requests a 1 foot 8 inch side setback variance to allow an addition to the house to extend to 3 feet 4 inches from the side lot line on Lot 4, Block 14, La Mesa Addition, zoned R-2, and located at 407 Chama, NE. (K-19)

Details of these applications may be examined at the Planning Department, Room 601, City Hall, 4th and Marquette, NW, between 8:00 A.M., and 5:00 P.M., Monday thru Friday.

Donald A. Peterson  
Zoning Hearing Examiner

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL ON TUESDAY, NOVEMBER 21, 1978.

ZA-78-430



# PROPERTY OWNERSHIP LIST

ALBUQUERQUE/BERNALILLO COUNTY  
PLANNING DEPARTMENT

Meeting Date: 12/13/78  
Index Map: K-18  
Notification Radius: 100 Feet  
Cross Reference \_\_\_\_\_

ZA- <u>78-430</u>	Z- _____
AX- _____	V- _____
CZ- _____	CSU- _____
	S- _____

Legal Description and Location: Lots 1-9 + 16-24 Blk 61  
Tijeras Place Addn  
Between Palermes + Alvarado

Request Conditional Use

Applicant: Encino House East, Inc Phone: 247-4185  
Address: 609 Encino Place NE  
Agent: James N. King or Robert M. Hasaka Phone: 765-1200  
Address: \_\_\_\_\_

Copy of Legal Ad to be sent  
to Applicant and Agent by:

Certified Mail  
No. \_\_\_\_\_  
Applicant

Certified Mail  
No. \_\_\_\_\_  
Agent

## SPECIAL INSTRUCTIONS

Notices must be mailed from  
the City 11 Days prior to  
the meeting

Date Mailed: 11/22/78  
Signature: we 11/22

The Following  
Prepared By:

Property Description:

Ownership Search:

Initial Date

P.S. 11/16/78

LOT TRACT	BLOCK	REAPPRAISAL CODE			NAME	ADDRESS	CERTIFIED MAIL
		MAP NUMBER	GRID LOCATION	PARCEL SEQUENCE			
45-18	61	1-018-057	123029	3-05-11	Pub Sew	P.O. Box 2267	87192
30	60		1-01005	3-04-12	Joyner duplex	120 Modern Dr NE 87108	
27	1		101010	3			
26	1		101015	4			
24	1		101020	5			
22	1		101024	6			
20	1		101029	7			
18	60		101033	8			
16	60		101039	9			
11	51		097042	3-10-12	Highland Baptist Ch.	Box 8254 Sta C 87108	
680' 2302'4	51		114030	3-11-1	William R. Yocum	1311 Ridgeway Drive V 7108	
680' 21022	51		126054	2			
				3			
				4			
				5			
				11			
9	51		112053	12	See Yocum		
2A			149033	3-12-01	Uptown Dev. Corp	412 Alameda SE 87108	
			1-018-056	2-28-10	Ralph S. Keller	Star Rt. Box 36 Phelan, NM	87123
24	5		108521	-11			8

45-18  
30  
27  
26  
24  
22  
20  
18  
16  
11  
680' 2302'4  
680' 21022

2-18

A 68-3 3 5  
108515 12

CASE NO: 2A-78-650 DATE 11/16/78

PAGE 2 OF 2

[illegible]

**A-68-3**

ALBUQUERQUE/BERNALILLO COUNTY PLANNING DEPARTMENT

PLANNING DEPARTMENT  
CITY OF ALBUQUERQUE

P.O. Box 1283

Albuquerque, New Mexico 87103

APPLICATION FOR SPECIAL EXCEPTION  
UNDER THE CITY ZONING ORDINANCE

NOTE: There is a separate "Procedure"  
instruction sheet related to this  
application.

- ☒ Conditional Use  
☐ Expansion of Building  
Nonconforming as to Use  
☐ Variance  
Height: \_\_\_\_\_  
Area: \_\_\_\_\_  
Front Yard: \_\_\_\_\_  
Side Yard: \_\_\_\_\_  
Rear Yard: \_\_\_\_\_  
Other: \_\_\_\_\_

I. APPLICANT INFORMATION

1. Applicant's Name: Encino House East, Inc. Phone: 247-4185  
Mailing Address: 609 Encino Place, NE.
2. Agent (if any): James N. King or Robert M. Hasak Business Phone: 765-1200  
Mailing Address: P. O. Box 25027, Albuquerque, NM 87125
3. Applicant's Interest in Property: Option Holder/Developer
4. Signature: Robert M. Hasak Date: 11/14/78

II. REASON FOR REQUESTED SPECIAL EXCEPTION (If requesting a variance, include the ex-  
ceptional physical condition you believe justifies the request.)

Requesting R-3 Zoning in lieu of C-2 for planned Elderly Apartment Project  
(Encino House East II). Proposed 43 units in three to five story structure.

III. LOCATION OF REQUESTED SPECIAL EXCEPTION

1. Legal Description  
Lot(s): 1-9 & 16-24 Block: 61 Plat: Tijeras Place Addition
2. Street Address (No. if any): None  
between Palomas and Alvarado streets.

IV. PROJECT DETAILS

1. Zoning: C-2
2. Present Use of Property: Vacant
3. One copy of an accurate site plan showing (a) location of the property that is the subject of the request; (b) abutting streets and alleys; (c) all significant structures presently on the property; (d) the proposed special exception (including dimensions); (e) structures on adjoining property, within 25 feet of the proposed special exception; (f) north directional arrow.  
Attached: ☐

ZA-

78-430

THIS SIDE FOR OFFICE USE ONLY

V. INTERNAL DATA

1. Application Received by: C. Linder Date: Nov. 14, 1978
2. Signs Issued: 1 sign
3. Hearing Date Assigned: December 20, 1978
4. Payment Received: 40.00
5. Planning Map No.: K-18-2
6. Related Cases: 3111 - C-2
7. Legal Ad: ... conditional use for 43 apartment dwelling  
into on
8. Comment Requests Sent on: \_\_\_\_\_ By: \_\_\_\_\_  

_____ Traffic Engineer	_____ Refuse Removal Div.	_____ APS
_____ City Surveyor	_____ Fire Department	_____ CIP
(Where is Right of Way?)		
_____ City Engineer	_____ MRGCD	_____ Other _____
_____ COG - MTP	_____ Bldg. & Insp.	
	(Permit?)	

PLAN

ON

FILE

PLANNING DEPARTMENT  
ALBUQUERQUE / BERNALILLO COUNTY

CASE No.: 7A-78-428

FEE PAYMENT

FEE: \$ 40.00 CHECK X CASH            DATE, 11-20-78

\*\*\*\*\*  
Check Drawn on: First National Bank

Branch: Main Office

Check No.: 2387

Account: Bradbury & Stamm Construction Co., Inc.

/s/ Robert M. Hasaka

Address: 1217 First St., N.W. Albuquerque, NM 87102

Phone: None  
\*\*\*\*\*

RECEIPT OF THE ABOVE FEE IS HEREBY ACKNOWLEDGED.

ROBERT E. LANDON, TREASURER  
CITY OF ALBUQUERQUE

Date:                                 

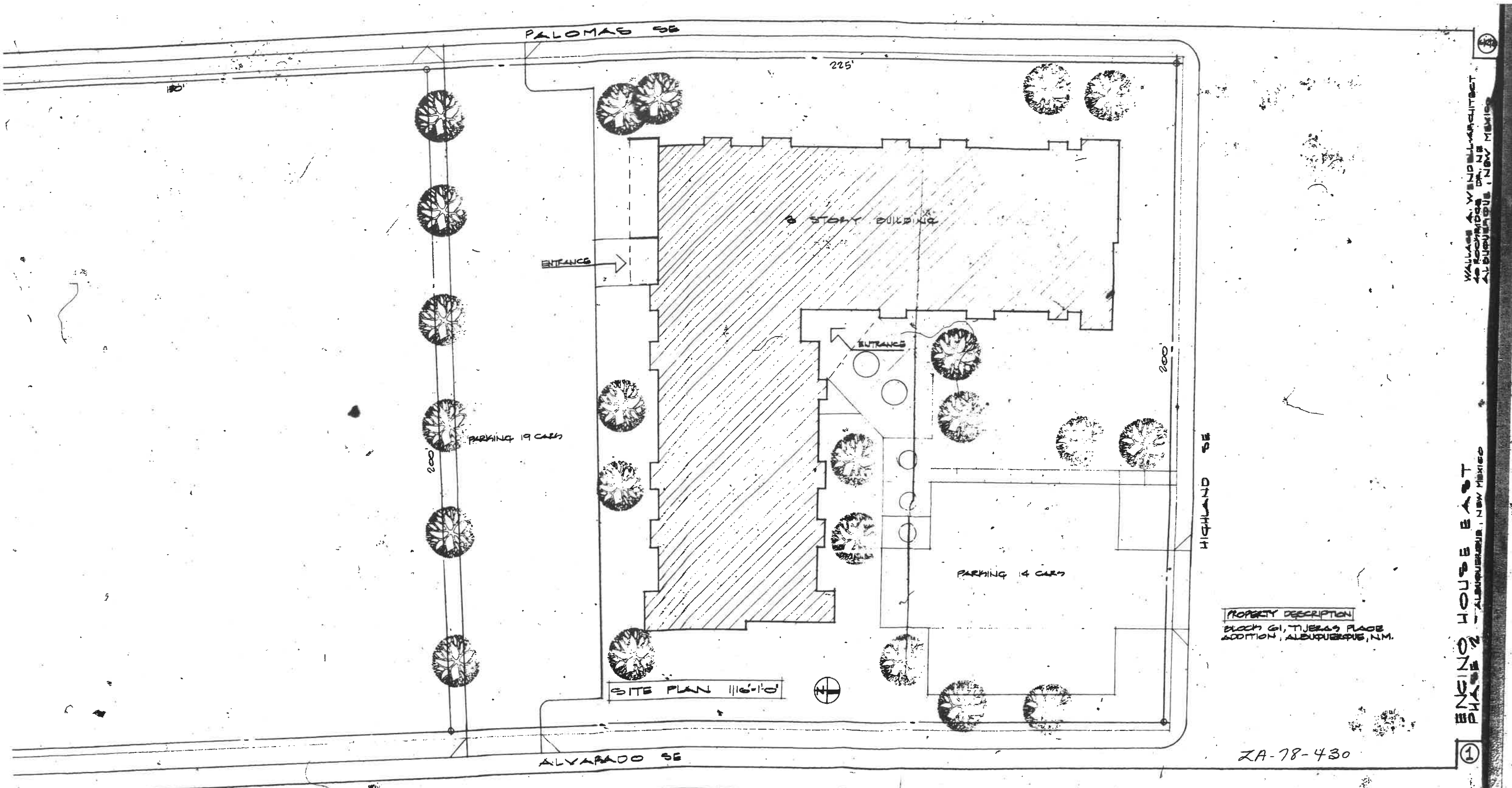
cc: Planning Department

Credit: 4930000  
441006  
\*\*\*\*\*

Instruction on Use of Form:

Prepare in Duplicate for Checks  
Prepare in Triplicate for Cash  
Cash Payments must be delivered to Treasurer's office by hand.  
Send all copies of completed form & fee to City Treasurer (1 cop.  
will be returned to Pl. File)





BECKING HOUSE EAST

WALLACE A. WINDLARCHITECT  
4000 RICHMOND DR. N.E.  
ALBUQUERQUE, NEW MEXICO

①