

2A-78-480-1

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 variance 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.

Decision No.: ZA-78-430-1
Hearing Date: January 10, 1979
Decision Date: January 22, 1979

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.

If you wish to appeal this decision, you may do so by February 6, 1979 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 When an application is withdrawn the fee shall not be refunded.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

Encino House East, Inc., 609 Encino Place, NE 87106
James N. King or Robert M. Hasaka, PO Box 25027 87125


Zoning Hearing Examiner

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.

ZA-78-431 (Cont'd)

FINDINGS: The proposal is not 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 watchman's mobile home is approved as requested.

10. 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 1755 Kit Carson, S.W.

Sheran Marron was present to represent the request. Mr. Peterson noted he visited the site. Ms. Marron presented a brochure showing a unit similar to the proposed unit.

Mr. Peterson stated his findings.

FINDINGS: The house next door is exceptionally far from the proposed cooling unit, 20 feet or more. This is an exceptional physical condition sufficient to justify the requested variance. 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 three foot side setback variance to allow an HS-9 Lennox air conditioning system is approved as requested.

11. ZA-78-434 John Maloney, Jr., requests a five foot four inch distance variance to allow an apartment to be built four feet eight inches from the existing residence on Lots 23 and 24, Block 23, Mesa Verde Addition, zoned R-2, and located at 346 Virginia, N.E.

Bill Buckley and Kent Ponder, a neighbor, were present regarding the request. Mr. Peterson noted he visited the site. He read a letter in opposition from the La Mesa Community Improvement Association.

Mr. Buckley explained they could add the proposed addition directly to the existing dwelling and be in total compliance with the Zoning Code, but they felt it would look better detached, thus this request.

Mr. Ponder said he had no problem with the proposal.

**COMMENT
REQUEST**

CITY OF ALBUQUERQUE

ZONING ADMINISTRATOR

PLANNING DEPARTMENT

TO:

TRAFFIC ENGINEER ☒

Reply Requested

by 1-8-79

If you have suggestions
or information about
this case, please in-
dicate on this form
and return to Planning
Department. Your
cooperation is appre-
ciated.

Date request sent:

12-28-78

Reference ZA-78-430-1

Date: 1-8-79

Zoning Administrator's Hearing
Scheduled on 1-10-79

*The applicant should submit parking usage data compared to
number of units for present Ericino House units to show
necessity of reduced parking requirements.*

RA [Signature]

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-79-20 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

PROPERTY OWNERSHIP LIST

ALBUQUERQUE/BERNALILLO COUNTY
PLANNING DEPARTMENT

Meeting Date: Jan 10, 1978

Index Map: K-18

Notification Radius: 100 Feet

Cross Reference _____

ZA- <u>78-430-1</u>	Z- _____
AX- _____	V- _____
CZ- _____	CSU- _____
	S- _____

Legal Description and Location: Lots 1-9 & 16-24, Blk 61 Lyons Pl

Add between Palomas & Alameda

Request Variance

Applicant: Encino House East, Inc. Phone: 249-4181

Address: 609 Encino Pl NE 87106

Agent: James D. King or Robert M. Hinkle 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: 12/28/78

Signature: 12/22/78

The Following
Prepared By:

Property Description:

Ownership Search:

Initial Date

20 12/18/78

LEGAL LIST

CASE NO. 211-78-436-1 DATE 12/14/74

PAGE 1 OF

LOT TRACT	BLOCK	REAPPRAISAL CODE			NAME	ADDRESS	CERTIFIED MAIL
		MAP NUMBER	GRID LOCATION	PARCEL SEQUENCE			
1-18	50	1-018-037	097-062	3-10-2	Highland Baptist Church	PO Box 8234 Sta C 87108	
11	51		119-030	3-11-1	William R. Yeager	1311 Ridgecrest SE 87108	
23724	"		126-049	2	"	"	
21722	"		126-034	3	"	"	
9	"		119-030	12	"	"	
27	60		149-033	3-12-01	Urban Development Corp. Encino House East 609 Encino Pl. 87102		
26	"		101-010	3-04-3	Tijeras Place Corp. Co. 120 Madonia No. 112 87108		
24	"		101-015	4	"	"	
22	"		101-120	5	"	"	
22	"		101-024	6	"	"	
20	"		101-029	7	"	"	
18	"		101-033	8	"	"	
16	"		101-039	9	"	"	
431-30	61		123-024	3-05-1	Public Services Co.	PO Box 2267	
27	4	1-018-056	141-525	2-29-11	Ralph S. Rother	Sta 64 Box 36. Placitas nm 87043	
23	"		141-518	12	"	"	
1A	5		122-520	2-28-10	"	"	
24	"		108-525	11	"	"	
23	"		108-519	12	"	"	
2	6		089-519	2-27-11	Forest Park Corp	PO Box 8246 87108	
A 683	"		089-525	12	"	"	

ALBUQUERQUE/BERNALILLO COUNTY PLANNING DEPARTMENT

The Encino Houses

Randall R. Barker
Project Administrator

Encino House
* 609 Encino Pl. NE
Albuquerque, N.M. 87102
* Business Office
Phone (505) 247-4185

Encino House East
412 Alvarado SE
Albuquerque, NM 87108
Phone (505) 268-5622
Geneva Baca,
Resident Manager

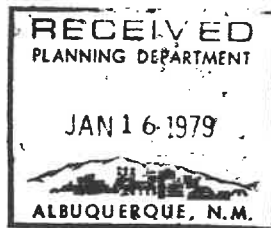
1-11-79

Donald A. Peterson
Zoning Administrator
City of Albuquerque
Albuquerque, New Mexico

Dear Mr. Peterson:

Our experience at Encino House and Encino House East would indicate that the ratio of 3/4 of a parking space per apartment is very adequate at all times.

The experience at Encino House East, that opened for occupancy September 15 reveals that we have some 50 - 60 parking spaces that are not used at any time, therefore, the proposed ratio of Encino House East Phase II, directly across the street from Encino House East, is very adequate.



Sincerely,

Randall R. Parker

Randall R. Parker
Administrator

RRP:vp

P.S. I just returned from Encino House East and observed our parking situation and actually we have more than enough space to take care of any parking requirements across the street. RP

Sponsored by the New Mexico Interchurch Agency, — a cooperative inter-church and community housing program.

In the Land of Enchantment

ZA-78-430-1

Bradbury & Stamm
CONSTRUCTION COMPANY, INC.

1217 First Street, N.W. • P.O. Box 25027
Albuquerque, New Mexico 87125
Phone (505) 765-1200

January 11, 1979

Mr. Donald A. Peterson
Zoning Administration
Planning Department
City of Albuquerque
Albuquerque, New Mexico

RE: ZA-78-430-1
Encino House East II Parking Variance

Dear Mr. Peterson:

The Laundry Room for the above project is 21 feet by 16 feet and contains 336 square feet.

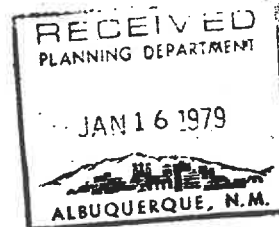
If any further information is needed, please let me know.

Very truly yours,

BRADBURY & STAMM CONSTRUCTION COMPANY, INC.

James N. King
James N. King
Executive Vice President

JNK:ikw



SKILL • RESPONSIBILITY • INTEGRITY

Y OF ALBUQUERQUE, NEW MEXICO
PLANNING DEPARTMENT

APPLICATION FOR SPECIAL EXCEPTION
UNDER THE COMPREHENSIVE CITY ZONING
CODE

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

- ☐ Conditional Use: _____
☐ Expansion of Building
Nonconforming as to Use
☒ Variance (indicate amount)
Height: _____
Area: _____
Front Yard: _____
Side Yard: _____
Rear Yard: _____
Other: Parking (.75 spaces/unit)

I. APPLICANT INFORMATION

1. Applicant's Name: Encino House East, Inc. Phone: 247-4185
Mailing Address: 609 Encino Place, NE, Albuquerque, NM 87106
2. Agent (if any): James N. King or Robert M. Hasaka Phone: 765-1200
Mailing Address: P. O. Box 25027, Albuquerque, N. 87125
3. Applicant's Legal Interest in Property: Option Holder/Developer
4. Signature: Robert M. Hasaka Date: 12/12/78

II. JUSTIFICATION FOR REQUESTED SPECIAL EXCEPTION (You may use a separate sheet to answer.)

1. Why do you want this special exception (in terms of your own plans)?
Paragraph A, 1, o of the Comprehensive Zoning Code requires off-street parking of one (1) space per rental unit. Request variance to .75 spaces per unit due to the limited total area available for the site.
2. Is this consistent with the intent of the Zoning Code? Why? Will still provide adequate parking for the proposed 43 units in this three to five story structure for planned Elderly Apartment project. Many of the elderly do not or will not have private transportation and will rely on public transportation.
3. Will this injure adjacent property or the neighborhood? Why? No. One structure with the same occupancy exists in the area. With the present shopping facilities and those currently under construction provide adequate facilities within walking distance for the elderly. Very few residences in the immediate proximity.
4a. IF THIS IS AN EXPANSION OF A NONCONFORMING BUILDING, how will denial of the request deny you reasonable use of the property? No
4b. IF THIS IS A VARIANCE, what is the exceptional physical condition which you believe justifies the request? Limited total area available.

III. LOCATION OF REQUESTED SPECIAL EXCEPTION

1. Legal Description
Lot(s): 1-9 & 16-24 Block: 61
Subdivision Name or Tijeras Place Addition
Other Legal Description: None
2. Street Address (number, if any):
between Palomas and Alvarado Highway, 2 one street cross streets.

IV. PROJECT DETAILS

1. Present Use of Property: Vacant
2. One accurate site plan, including (a) abutting streets and alleys; (b) all significant structures presently on the property; (c) The proposed special exception (including dimensions); (d) structures on adjoining property, within 25 feet of the proposed special exception; (e) north directional arrow; and (f) scale. Attached: ☐

ZA-78-430-1

THIS SIDE FOR CITY STAFF USE ONLY

V. INTERNAL DATA

1. Application Received by: 71571 Date: 12-12-78
2. Signs Issued: ~~1~~ 1
3. Hearing Date Assigned: 1-10-79
4. Payment Received: No Fee
5. Planning Map Number: K-18
6. Zoning: C-2
7. Related Cases: _____
8. Legal Ad: 35 space parking variance to allow on property with 43 existing units and a laundry room to have 33 parking spaces on

9. Comment Requests Sent on: 12/28 By: Cathy

1 Traffic Engineer

____ Bldg. & Insp.
(Permit?)

____ City Surveyor
(Where is Right-of-Way?)

____ A P S

____ City Engineer

____ C I P

____ Water Resources

____ Zoning Inspection

____ Parks & Recreation

____ Other:

____ Fire Department

____ Other:

10/77