

1 **Attorney Chappell** swore in those present who would be speaking before the
2 Commission.
3

4 **4. PUBLIC HEARINGS AND APPLICATIONS**
5

6 **A. V-11-05** A request by Tim Tourville for a Variance from Ordinance 183, Section 6
7 (H)(e) requiring a four (4) foot wall height to allow a six (6) foot wall within the setback
8 area along a double frontage lot abutting a public right-of-way (Chavez Road) in the A-1
9 Zone of the Village West Character Area. The property is located at 1105 El Alhambra
10 Circle and legally known as Lot 2 El Caballero Norte Subdivision, a subdivision within the
11 Village of Los Ranchos de Albuquerque, as the same is shown and designated on the Plat
12 thereof, filed in the office of the County Clerk of Bernalillo County, New Mexico, on July
13 31, 1978, in Plat Book D8, page 172. The property contains .89 acres more or less.
14

15 **Chairwoman Simon** asked Planner Seebach for the Planning Report.
16

17 **Planner Seebach** gave the Planning Report with recommendation for approval with
18 conditions and findings.
19

20 **Chairwoman Simon** asked if there were any questions for Planner Seebach from the
21 Commission.
22

23 **Commissioner Hannah** asked if with the current zoning, would a non-solid six foot wall
24 height be allowed.
25

26 **Planner Seebach** stated that a six foot, non-solid wall would be allowed.
27

28 **Chairwoman Simon** asked the applicant to address the Commission.
29

30 **Tim Tourville** 1105 El Alhambra Circle NW, stated that the wall would be the same as
31 Mr. Calvani's wall.
32

33 **Chairwoman Simon** asked if there were any questions for Mr. Tourville from the
34 Commission. Then thanked Mr. Tourville and asked if there was anyone else who wanted
35 to speak in favor of this application or was there anybody who wanted to speak in
36 opposition to the application.
37

38 **Commissioner Hannah** asked for the history of the Calvani wall which was approved in
39 2005.
40

41 **Planner Seebach** stated that Mr. Calvani's wall was approved by variance in 2005; an
42 almost identical variance.
43

44 **Commissioner Radnovich** asked how far off the setback line the Calvani wall is.
45

46 **Planner Seebach** stated that the wall undulates and the entire wall is on the property.
47

48 **Commissioner Radnovich** asked if any part of it is on the property setback line.
49

1 **Planner Seebach** asked for clarification.

2
3 **Commissioner Radnovich** asked is the horizontal location of the wall in a place that
4 would be approvable by this Commission in terms of setbacks.

5
6 **Planner Seebach** stated that it is on his property, the only problem is that it is a double
7 frontage property. The variance is solely for the height of the 4 foot wall on Chavez to
8 allow for a 6 foot height.

9
10 **Commissioner Radnovich** stated he understood and thanked Planner Seebach.

11
12 **Chairwoman Simon** recognized Commissioner Hannah.

13
14 **Commissioner Hannah** stated that his understanding was in the current ordinance if
15 they are within a certain setback away from the property line they could put a 6 foot
16 fence some distance back from the property line.

17
18 **Planner Seebach** stated that they would have to be 25 feet away because the setbacks
19 are identical.

20
21 **Commissioner Hannah** asked if it was correct that the current 4 foot solid wall
22 ordinance would allow a solid fence up to 4 feet and then 2 feet non solid to allow it to go
23 to 6 feet.

24
25 **Planner Seebach** affirmed the statement.

26
27 **Chairwoman Simon** asked if there was a motion then recognized Commissioner
28 Radnovich.

29
30 **Commissioner Radnovich** asked Mr. Tourville if his wall would join Calvani's wall, would
31 there be any offset or would it be a flowing connection.

32
33 **Tim Tourville** stated that his and Mr. Calvani's wall are not adjacent and that if his wall
34 and Mr. Calvani's wall were joined in a straight line it would be a perfect connection.

35
36 **Chairwoman Simon** asked for a motion.

37
38 **MOTION: Commissioner Radnovich** moved to approve the request for Variance from
39 Ordinance 183, Section 6 (H)(e) requiring a four (4) foot wall height to allow a six (6) foot
40 wall within the setback area along a double frontage lot abutting a public right-of-way
41 (Chavez Road) in the A-1 Zone of the Village West Character Area with the following
42 conditions:

- 43
44 1. The wall shall be constructed in an undulating shape on the rear property line as indicated
45 on the plans submitted with the application.
46 2. The wall must be completely on the property and not encroach on Village Right-of-Way.
47 3. The wall shall be designed in a manner which would allow a continuation of the wall
48 across the west adjoining property should that property owner decide to continue the wall
49 to adjoin with the existing wall (Calvani) on the west.

1 4. Landscaping shall be integrated into the existing landscaping on Chavez Rd.
2

3 **Commissioner Radnovich** stated that there was no landscaping plan shown.
4

5 **Planner Seebach** stated that Mr. Tourville could explain.
6

7 **Tim Tourville** explained that he would not be disturbing the trees the homeowners
8 association had recently planted and he would be planting trees on his side of the wall.
9

10 **Commissioner Radnovich** changed the wording of condition number 4 to accommodate
11 that there was no landscaping plan submitted and continued with his motion.
12

13 Findings:
14

15 (a) The variance is in conformance with the goals and policies of the Village
16 Master Plan;
17

18 (1) It is not contrary to the public interest; and
19

20 (2) Owing to special conditions, a literal enforcement of this
21 Ordinance will result in unnecessary hardship.
22

23 (b)
24

25 (1) When compared with other land in the vicinity subject to the same
26 provisions, the parcel is exceptional by reason of physical characteristics of the
27 land that existed when the provisions were adopted or which were created by
28 natural forces or by government action for which no compensation was paid;

29 The applicant has stated that there has been a drastic increase in traffic along
30 Chavez Road and that his property has been entered by strangers from Chavez
31 Road.
32

33 (5) The development proposed in the variance differs from that allowed in this
34 Ordinance only enough to relieve the alleged hardship;
35

36 Six feet walls exist along this portion of Chavez Road, so the Variance is in
37 conformance with the neighborhood.
38

39 (6) The alleged hardship is such that relief is justifiable in accordance with the
40 goals and policies of the Master Plan.
41

42 2020 Master Plan Section 2 Village Form 2.1.1 Objectives, Neighborhoods:
43 Maintain development consistent with the unique qualities of each area throughout
44 the Village and Minimize noise pollution. The use of solid walls and 15 foot
45 plantings is consistent for residential sound buffer options for noise abatement.
46

47 Section Nine Transportation Goal 9.2.1 Objectives: Preserve Village
48 character along vehicular corridors and Village Streets.
49

50 Therefore, the Variance request meets the requirements of Section 24(E) (a) and
51 (b) (1), (5) and (6).

1
2 **SECOND: Commissioner Martinez** seconded the motion.
3

4 **Chairwoman Simon** stated there was a second and was there anymore discussion then
5 recognized Commissioner Gollis.
6

7 **Commissioner Gollis** stated that he wanted in the record that Mr. & Mrs. Tourville had
8 satisfied the hardship requirement and let the record reflect the fact they stated adequately
9 what the hardship is, were the variance request denied, in their application letter.
10

11 **Chairwoman Simon** asked for a vote.
12

13 **VOTE:** The motion carried (4-1). Commissioner Hannah voting nay.
14

15 **B. V-11-07** A request by Dan Gay, property owner for a Variance from the minimum one
16 acre lot size required by Ordinance 183, Section 6(E)(1) to allow for a .58 acre lot in the
17 A-1 Zone of the Guadalupe Trail Character Area. The property is located at 8209
18 Guadalupe Trail and is legally known as Tract 72A2A and 75B1, M.R.G.C.D. Map # 25,
19 T11N, R3E, N.M.P.M., Los Ranchos de Albuquerque, New Mexico. The property contains
20 .58 acres more or less.
21

22 **Chairwoman Simon** asked Planner Seebach for the Planning Report.
23

24 **Chairwoman Simon** recognized Commissioner Radnovich.
25

26 **Commissioner Radnovich** recused himself from this discussion.
27

28 **Planner Seebach** gave the history on how the lots were formed and gave the Planning
29 Report with recommendations for approval with findings.
30

31 **Chairwoman Simon** asked if Planner Seebach had an idea of how many conservation
32 tracts there were in the Village.
33

34 **Planner Seebach** stated that there was a map that she submitted with the packet
35 showing only part of the Village.
36

37 **Chairwoman Simon** clarified that everything in yellow was a tract. How many of them
38 have a dwelling unit on them.
39

40 **Planner Seebach** stated that she did not know, that this was from the assessors map
41 and what the assessor does is take a section of tracts and make it one large parcel. One
42 large parcel could consist of as many as 10 tracts. And there are a lot of them.
43

44 **Chairwoman Simon** asked if there were any more questions and recognized
45 Commissioner Albert.
46

47 **Commissioner Albert** asked what was the original purpose of the tracts and why were
48 they so small.
49

1 **Planner Seebach** stated that in the 1920's M.R.G.C.D. surveyed the area to make a
2 comprehensive map, which did not exist before then.
3

4 **Attorney Chappell** stated that he could give more information as he had worked with
5 the M.R.G.C.D. files. When the Middle Rio Grande Conservancy District was formed most
6 of these tracts were under separate ownership. At the time they surveyed and platted.
7 Properties were under separate ownership and what has happened since, was that under
8 the traditional Hispanic system, if property was divided with heirs they all got a strip of
9 land that went all the way to the irrigation, the acequia or the river. It made them very
10 long and narrow. The purpose was to determine what land was benefitted from the
11 irrigation rights that came with the conservancy district and which tracts were owned by
12 whom. So they could tell what water they could deliver to that tract. It was not in terms of
13 a planning or subdivision it was just recognizing ownership, specific pieces of ground, and
14 who was entitled to water.
15

16 **Chairwoman Simon** recognized Commissioner Hannah.
17

18 **Commissioner Hannah** asked if there was zoning for half acre lots in the Guadalupe
19 Trail Character Area.
20

21 **Planner Seebach** stated that at the very northern part of the Guadalupe Trail Character
22 Area there is some R-2 zoning that was annexed in as R-2 the rest of the area is zoned A-
23 1. The A-2 and A-3 are in the southern area of the Village.
24

25 **Commissioner Hannah** stated that they do not have the half acre lot capability
26 currently defined for the Guadalupe Trail Character Area except by grandfather.
27

28 **Planner Seebach** stated the zoning in the Guadalupe Trail Character Area was given
29 when that particular northern part was annexed into the Village and they zoned it R-2.
30

31 **Commissioner Hannah** stated what he is really asking is the Planning Department
32 recommended a variance to the A-1 zone for the lot size. Can Planner Seebach comment
33 on why they didn't suggest instead changing the zoning on this lot to R-2.
34

35 **Planner Seebach** stated that would be spot zoning and it would not meet the State
36 standards for zoning.
37

38 **Chairwoman Simon** asked the applicant to address the Commission.
39

40 **Dan Gay** 619 Charles Place NW, stated that they wanted to take the home that was on
41 the one lot and demolish it and take the two lots, make it one lot so that they can build a
42 new residence.
43

44 **Chairwoman Simon** asked if there were any questions from the Commission for Mr.
45 Gay.
46

47 **Commissioner Hannah** commented that it was very hard property to find, that the
48 addressing in that area was really confusing.

1
2 **Dan Gay** stated welcome to the Village, a great place and this variance allows them to do
3 this right and everything they are doing will be a benefit to the Village.
4

5 **Commissioner Hannah** asked if they had talked to the neighbors about the two
6 driveways and combining it into one.
7

8 **Dan Gay** stated that they are too new to the area and had no idea why the two
9 driveways came about.
10

11 **Chairwoman Simon** asked if there was anyone who wanted to speak in favor of the
12 application or anyone who was opposed to the application who wanted to speak. Is there
13 any more discussion and recognized Commissioner Hannah.
14

15 **Commissioner Hannah** asked Planner Seebach if there had been any comments on this
16 from the neighbors.
17

18 **Planner Seebach** stated there had been no comments.
19

20 **Chairwoman Simon** asked if there was a motion.
21

22 **Commissioner Hannah** stated that he appreciated Planner Seebach's comments on the
23 background on how the lot existed prior to all the zoning that came about and that it is
24 the key to the whole variance process.
25

26 **MOTION: Commissioner Hannah** moved to approve the request for Variance from the
27 minimum one acre lot size required by Ordinance 183, Section 6(E)(1) to allow for a .58
28 acre lot in the A-1 Zone of the Guadalupe Trail Character Area.
29

30 Findings:
31

32 (a) The variance is in conformance with the goals and policies of the Village Master
33 Plan;
34

35 (1) It is not contrary to the public interest; converting two smaller tracts into a
36 larger parcel brings the land more into conformance than it was.
37

38 (2) Owing to special conditions, a literal enforcement of this Ordinance will
39 result in unnecessary hardship.
40

41 (b)
42 (1) When compared with other land in the vicinity subject to the same
43 provisions, the parcel is exceptional by reason of physical characteristics of
44 the land that existed when the provisions were adopted or which were
45 created by natural forces or by government action for which no
46 compensation was paid;
47

1 Conservation District Tracts were formed in the 1920s and they were often
2 very small pieces of land.

- 3
4 (4) Circumstances have created a condition under which no reasonable use can
5 be made of the land without the requested variance, provided however,
6 that the fact that the affected parcel might have a greater value with the
7 variance is not sufficient or justification in itself to authorize a variance.
8

9 A variance is required to allow the land to be buildable, as Conservation
10 Tracts are not a "lot of record".

- 11
12 (6) The alleged hardship is such that relief is justifiable in accordance with the
13 goals and policies of the Master Plan.

14
15 2020 Master Plan Section 2 Village Form 2.1.1 Objectives,
16 Neighborhoods: Maintain development consistent with the unique
17 qualities of each area throughout the Village.
18

19 2.1.2 Policies and Actions Steps Policy A. maintain the corridors and
20 character areas of the Village as distinct sectors or neighborhoods,
21 identified by the unique characteristics of each.
22

23 Policy B. In each of the character areas, preserve the unique
24 characteristics by recognizing and continuing the traditional land
25 development patterns in the character areas, specifically with respect
26 to: Prevalent land utilization. Lot patterns
27

28 70% of Guadalupe Trail Character Area consists of less than one acre lots.
29

30 Therefore, the Variance request meets the requirements of Section 24(E) (a) and (b) (1),
31 (4) and (6).
32

33 **SECOND: Commissioner Albert** seconded the motion.

34 **VOTE:** The motion carried unanimously (4-0).
35

36 **C. Z-11-01** A request by Kelly Jo Kuchar, Agent for Jenabcland LLC for a Zone Change
37 and Zone Map Amendment from SU-1 to C-1 for Kelly Jo Designs in the Fourth Street
38 Commercial Corridor and Character Area. The property is located at 6829 Fourth Street
39 and is legally known as Lot 8A, Block 2, Green Valley Addition within projected Section 28,
40 T11N, R3E, N.M.P.M., M.R.G.C.D. Map 28, Village of Los Ranchos de Albuquerque;
41 Bernalillo County, New Mexico, filed in the office of the County Clerk on October 22, 1997.
42 The property contains .3788 acres more or less.
43

44 **Chairwoman Simon** asked Planner Seebach for the Planning Report.

45
46 **Planner Seebach** gave the Planning Report with recommendations for approval with
47 findings.
48

1 **Chairwoman Simon** asked if there were any questions for Planner Seebach and
2 recognized Commissioner Hannah.

3
4 **Commissioner Hannah** stated that as he recalls the SU-1 zone is very restrictive as they
5 can only do what is spelled out and if they want to do anything else even though the area
6 allows, it they cannot do it unless it is specifically called out in the SU-1 zone.

7
8 **Planner Seebach** stated that was correct and when the Village gave out SU-1 zones they
9 didn't have much of a clue about zoning so they put stuff in, not realizing that was the
10 zone for that particular use and anything outside of that was forbidden. Sometimes they
11 were extremely restrictive.

12
13 **Chairwoman Simon** recognized Commissioner Albert.

14
15 **Commissioner Albert** asked Planner Seebach, it says under the analysis that wineries
16 and brew pubs are a conditional use of the C-1 zone. When they have something that is
17 conditional use it is not something that would come before the P & Z or is that something
18 Planner Seebach would approve as staff.

19
20 **Planner Seebach** stated that a conditional use is public noticed and if there was a
21 protest during that public notice period then it would be brought before the Commission.
22 Otherwise it is administratively approved.

23
24 **Chairwoman Simon** asked the applicant to address the Commission.

25
26 **Kelly Jo Kuchar** 5927 Guadalupe Trail NW stated it would be helpful to their business if
27 they could remove some of the restrictions that the SU-1 imposes on it.

28
29 **Chairwoman Simon** asked if there were any questions for Ms. Kuchar and then stated
30 that there is no one here to speak in opposition as she is the only one left. She then asked
31 the Commission if there was a motion.

32
33 **MOTION: Commissioner Albert** moved to approve the zone change and zone map
34 amendment from SU-1 to C-1 for Lot 8A, Block 2 in the 4th Street Commercial Corridor and
35 Character Area.

36
37 Findings:

38
39 The property is zoned SU-1 and lies in the 4th Street Corridor and Character Area.

40
41 The proposed zone change and zone map amendment meets the zone change test.

42
43 1) There has been a change in conditions since the Zoning Ordinance and Zone Map was
44 enacted by the Village Trustees that warrants a zone change. Ordinance 183, Section 10
45 C-1 Zone allows for light manufacturing and wineries as a Conditional Use.

46
47 The proposed zone change and zone map amendment meets the requirement of NMSA
48 Section 3-21-5 (A) and (B).

1
2 The 2020 Master Plan 8.2 Commercial Goal is to vitalize Fourth Street, the Village Center
3 and the Transit District as the Village's major commercial and mixed use centers through
4 both public and private efforts.
5

6 Policy A. Strongly supports the business community and use various economic incentives
7 to strengthen local businesses as well as attract new ones.
8

9 The Village no longer grants Special Use Zones and encourages re-zoning from SU-1 to C-
10 1 land uses.
11

12 **SECOND: Commissioner Hannah** seconded the motion.

13 **VOTE:** The motion carried unanimously (5-0).
14

15 **5. OLD BUSINESS** No old business.

16 **6. NEW BUSINESS** No new business.

17
18
19 **7. REPORTS**

20
21 **A. Planning Department Report**
22

23 **Planner Seebach** gave her report on what the department had accomplished this past
24 month with a brief summary of the FEMA certification of the levees.
25

26 **9. COMMISSIONER'S INFORMAL DISCUSSION**

27
28 **10. ADJOURNMENT**

29 **MOTION: Commissioner Radnovich** moved to adjourn the meeting at 7:55 p.m..

30 **SECOND: Commissioner Martinez** seconded the motion.

31 **VOTE:** The motion carried unanimously (5-0).
32

33 **APPROVED by the Planning and Zoning Commission of the Village Los Ranchos**
34 **de Albuquerque this _____ day of _____, 2011.**
35

36 **ATTEST:**
37

38 _____
39 Michael Hannah, Secretary
40 Planning and Zoning Commission
41