



AGENDA
 Village of Los Ranchos
 Planning and Zoning Commission
 REGULAR MEETING
 7:00 p.m.
 May 14, 2019

Planning Staff

Tim McDonough, Director Planning & Zoning
Jennifer Schilling, Scribe

Administrator

Attorney

Nann Winter

Planning & Zoning Commission

Jeff Phillips, Chair
Tom Riccobene, Vice Chair
Lynn Eby, Secretary
Sandra Pacheco
Al Park
Drew Seavey
Dan Gay

1. CALL TO ORDER

- A. Roll Call
- B. Approval of the Agenda

2. PUBLIC COMMENT PERIOD

Residents may address the Planning and Zoning Commission to comment on issues, problems, or successes on **topics that do not appear elsewhere on the agenda.** Audience members will be given an opportunity to comment on agenda items as they come up. **Speakers must register with Village Staff prior to the beginning of the meeting.**

3. CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- A. **Approval of the minutes**—April 9, 2019 regular meeting.

4. PUBLIC HEARINGS AND APPLICATIONS

- A. HO #543** A request by Lisa Knighton for a Home Occupation permit as authorized under §9.2.25(D)(4) Home Occupation Permit. The applicant desires to provide indoor physical training for women for primarily wellness, private instruction, post rehabilitation for orthopedic and muscular fitness, and small group instruction for Pilates and/or cardiovascular wellness (2-4 people) in the R-2 Zone of the Camino Real Residential Character Area. The property is located at 435 El Paraiso Rd. NW and is legally known as Lot 46, Unit 2 of El Paraiso Subdivision in School District No. 4, Bernalillo County, New Mexico. The property contains 0.46 acres, more or less.
- B. V-19-04** A request by Kala Baca for a variance from §9.2.14(C) Uses, Single Family Residence - Prohibited, as the applicant desires to build a single family residence at this location. The property is located at 431 Sandia View NW, and is legally known as Lot 41-F-1-B Lands of Chavez, within Sections 28 & 29, T. 11 N., R. 3 E., N.M.P.M., Elena Gallegos Land Grant, Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico. The property contains 0.2410 ac, more or less.
- C. B&B #550** An application by Maria C. Montoya for a Bed and Breakfast Permit as required by §9.2.25(E)(1), in the A-1 Zone of the North Rio Grande Character Area. The property is located at 8650 Rio Grande Blvd. NW and is legally known as Lot A1 Plat for Lands of Annie Robertson Lots A-1, D1 and D2 within the Town of Alameda Grant, projected Sections 16 and 17, T. 11 N., R. 3 E., NMPM Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, October 1996. The property contains 1.6 acres more or less.
- D. CU-12-03**, An application by Maria C. Montoya for a change to conditions of a conditional use to allow rental of a guest house, in the A-1 Zone of the North Rio Grande Character Area. The property is located at 8650 Rio Grande Blvd. NW and is legally known as Lot A1 Plat for Lands of Annie Robertson Lots A-1, D1 and D2 within the Town of Alameda Grant, projected Sections 16 and 17, T. 11 N., R. 3 E., NMPM Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, October 1996. The property contains 1.6 acres more or less.

5. OLD BUSINESS

- A. Discussion of the 2035 Master Plan process
- B. Discussion of Priorities for 2019
1. Text Amendments to Code

6. NEW BUSINESS

There is no New Business.

7. REPORTS

- A. Planning Department Report

8. COMMISSIONER'S INFORMAL DISCUSSION

9. ADJOURNMENT

A COPY OF THE AGENDA MAY BE OBTAINED AT THE VILLAGE OFFICE, 6718 RIO GRANDE BLVD. NW, DURING REGULAR BUSINESS HOURS OF 8:00 AM – 5:00 PM. THE PLANNING DEPARTMENT HOURS ARE FROM 8:00 AM TO NOON, AND BY APPOINTMENT FROM NOON UNTIL 5:00 PM.

THE NEXT REGULAR MEETING WILL BE HELD TUESDAY JUNE 11, 2019

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Village Clerk at 505-344-6582 at least one week prior to the meeting or as soon as possible.

I certify that notice of the Public Meeting has been given in compliance with the Open Meetings Act, Section 10-15-1 through 10-15-4 NMSA 1978 and Open Meetings Resolution 2019-1-P&Z.

Tim McDonough, Director Planning and Zoning

Date

1. CALL TO ORDER-Chairman Phillips

A. ROLL CALL

**COMMISSIONER PARK
COMMISSIONER RICCOBENE
COMMISSIONER EBY
COMMISSIONER PACHECO
COMMISSIONER PHILLIPS
COMMISSIONER SEAVEY
COMMISSIONER GAY**

B. APPROVAL OF THE AGENDA

2. PUBLIC COMMENT PERIOD

Residents may address the Planning and Zoning Commission to comment on issues, problems, or successes on topics that do not appear elsewhere on the agenda. Audience members will be given an opportunity to comment on agenda items as they come up. Speakers must register with Village Staff prior to the beginning of the meeting. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Village Clerk at 505-344-6582 at least one week prior to the meeting or as soon as possible.

3. CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

A. Approval of minutes for April 9, 2019 regular meeting.

MINUTES
VILLAGE OF LOS RANCHOS
Planning and Zoning Commission
6718 Rio Grande Blvd. NW
Warren J. Gray Hall
April 9, 2019
7:00 P.M.

Present:

Attorney: Nann Winter
Planning Staff: Tim McDonough, Director
Scribe: Tiffany Justice

1. **CALL TO ORDER – Vice-Chair Phillips** called the meeting to order at 7:00 p.m.

A. ROLL CALL - Commissioner Park, Commissioner Riccobene, Commissioner Eby, Commissioner Phillips, Commissioner Pacheco, Commissioner Seavey, Commissioner Gay.

Vice-Chair Phillips stated there was a quorum present for the meeting.

Vice-Chair Phillips introduced Attorney Nann Winter.

B. APPROVAL OF THE AGENDA

Vice-Chair Phillips asked Planner McDonough if there were any changes to the agenda.

Planner McDonough stated there were no changes.

Vice-Chair Phillips called for a motion to approve the agenda.

MOTION: Commissioner Pacheco moved approval of the agenda.

SECOND: Commissioner Park seconded the motion.

VOTE: The motion carried unanimously (7-0).

2. PUBLIC COMMENT PERIOD

There was no public comment.

3. CONSENT AGENDA

A. APPROVAL OF CONSENT AGENDA

1 **1. Minutes of the Regular Meeting on March 12, 2019.**
 2

3 **Vice-Chair Phillips** asked if there were any changes or comments on the
 4 minutes of the meeting. Hearing none he then asked for a motion.
 5

6 **MOTION: Commissioner Riccobene** moved to approve the Minutes for the
 7 March 12, 2019 meeting.
 8

9 **SECOND: Commissioner Pacheco** seconded the motion.
 10

11 **VOTE:** The motion carried unanimously (7-0).
 12

13 **4. PUBLIC HEARINGS AND APPLICATIONS**
 14

15 There were no scheduled hearings.
 16

17 **5. OLD BUSINESS**
 18

19 A. Discussion of the 2035 Master Plan process
 20

21 **Planner McDonough** stated that before the update he wanted to
 22 announce that Tiffany Justice is now a full-time employee as a Planner
 23 with the Village of Los Ranchos.
 24

25 **Planner Justice** gave an update on the Master Plan stating that last
 26 week they had the Transportation and Historic Preservation meeting,
 27 which went well. And next week they would have the last public meeting
 28 on Economic Development. They are now doing a draft and will present
 29 it to public review by the end of June.

30 There was a question on how this would be handled, and Planner
 31 Justice responded that they would have an open house in the hall on a
 32 Saturday with hours partially coinciding with the Growers Market. The
 33 public will be able to review, make comments and talk to staff.
 34

35 B. Discussion of Priorities for 2019
 36

37 The text amendments to the code are still ongoing.
 38
 39

40 **6. NEW BUSINESS**
 41

42 A. Election of Officers-Nominations for Chair, Vice-Chair & Secretary
 43

44 **Vice-Chair Phillips** stated that it was now time to take nominations for the
 45 position of Chairman.
 46

47 **Commissioner Riccobene** nominated Commissioner Phillips.
 48

49 **Commissioner Park** seconded the nomination.
 50

1 **Vice-Chair Phillips** asked if there were any more nominations. Hearing none
2 called for a vote.

3
4 **VOTE:** was unanimous (6-0) with Commissioner Phillip abstaining.

5
6 **Chairman Phillips** called for nominations for Vice-Chair.

7
8 **Commissioner Eby** nominated Commissioner Riccobene for Vice-Chair.

9
10 **Commissioner Pacheco** seconded the nomination.

11
12 **Chairman Phillips** asked if there were any more nominations. Hearing none
13 called for a vote.

14
15 **VOTE:** was unanimous (7-0).

16
17 **Chairman Phillips** called for nominations for Secretary.

18
19 **Commissioner Pacheco** nominated Commissioner Eby for Secretary.

20
21 **Commissioner Park** seconded the nomination.

22
23 **Chairman Phillips** asked if there were any more nominations. Hearing none
24 called for a vote.

25
26 **VOTE:** was unanimous (7-0).

27
28 **Chairman Phillips** closed the election process with results being Chairman
29 Jeff Phillips, Vice-Chair Tom Riccobene, and Secretary Lynn Eby.

30
31 **7. REPORTS**

32
33 **A. PLANNING DEPARTMENT REPORT**

34
35 The report included an update on 4th Street with the east side 98% done. And the west
36 side has been started with a September date of completion.

37 The Master Plan has seen an increase in participation from the public.

38 There has been an increase of business for the Planning department with variances,
39 guest houses and home occupations. The Home Occupation that was appealed to the
40 Board of Trustees has been remanded back to the Commission, which because of
41 timing is set for the May meeting.

42 There was a question from Commissioner Eby about this and said she listened to the
43 minutes and wanted Attorney Winter to clarify what the new hearing will entail. Is it a
44 procedural issue or are they opening it up for new evidence?

45
46 **Vice-Chair Phillips** reminded the Commission that they had to be extremely careful
47 about what they say about this subject.

48
49 **Attorney Winter** stated that she would research the minutes on the meetings and
50 would send out a summary of what will it entail a week before the May meeting.
51

1 **Planner McDonough** stated that they had an applicant for the administrative assistant
2 position and that they sent her an offer. At this time, they were hopeful she would
3 accept the offer.

4 There have been new changes and Keen Heinzelman has now been made facilities
5 and public works manager and they will be hiring a new code enforcement officer. It is
6 confirmed that Keen is staying with the Village.
7

8 **Planner McDonough** did announce his resignation and his date of departure of May
9 17, 2019.

10
11 **Commissioner Gay** asked about this new position and stated he had heard that they
12 were remodeling part of the Larry P. Abraham Agri-Nature Center and that some of
13 staff would be moved there and that Keen is part of this move.
14

15 **Planner McDonough** stated that the proposal was to do some improvements to the
16 Agri-Nature Center and move Fergus Whitney, farm manager and possibly Dominic
17 Tomba, animal control officer because their focus will be agricultural. Keen will
18 facilitate those improvements, but he will stay at the hall with the maintenance crew
19 and have an office in the back garage. There is a need for more space in the hall.
20

21 **Commissioner Eby** asked about the Centurylink fiber cable on 4th Street and stated
22 she was not able to get service for the internet from them and wondered why as they
23 had that fiber cable.
24

25 **Planner McDonough** stated that Centurylink because of lack of density and lack of
26 demand in DSL is not investing in upgrading.
27

28 **Attorney Winter** responded stating that the municipality has jurisdiction to demand
29 better service for telephone but, cannot dictate speeds for internet services.
30

31 **Chairman Phillips** asked if there were any more questions for Planner McDonough or
32 the attorney. And before they got to informal discussion, he wanted it on the record
33 that it has been a pleasure working with and sometimes for Planner McDonough.
34

35 **Commissioner Eby** wanted to reiterate Chairman Phillips commendation of Planner
36 McDonough he's been here the whole time she has been on the Commission and
37 many more years before that and is really going to miss him.
38

39 **Planner McDonough** stated he appreciated their comments and that it's been a
40 learning experience and very rewarding. He was fortunate to have a tremendous
41 Commission to work with and it's been a privilege to work with them and he is just
42 down the street and not going away just having more fun.
43

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

- 45 • Reminder to be careful as they are in an open meeting and cannot talk about
46 the case of the home occupation, but they can talk about the procedural
47 aspects.
- 48 • Next month's meeting will include a couple of variances, and a Bed and
49 Breakfast request and for them to check their email early and to be prepared
50 for that night.
51

- Time designated for meetings is mentioned in the resolutions if the meeting reaches 10:00 p.m. the Commission has the control to either motion for continuing or to defer it to a different time.
- There was a question about the variance that was denied for the height of the gates and why have those gates not been taken down or cut down. Response was that it was the dead of winter and they have been waiting for warmer weather and the letter will be sent out soon.

10. ADJOURNMENT

Chairman Phillips asked if there was motion to adjourn.

MOTION: Commissioner Eby moved to adjourn.

SECOND: Commissioner Seavey seconded the motion.

VOTE: carried unanimously (7-0).

Chairman Phillips adjourned the meeting at 7:31 p.m.

APPROVED by the **Planning and Zoning Commission of the Village Los Ranchos de Albuquerque** this _____ day of _____, 2019.

ATTEST:

 Lynn Eby, Secretary
 Planning and Zoning Commission

4. PUBLIC HEARING

- A. HO #543** A request by Lisa Knighton for a Home Occupation permit as authorized under §9.2.25(D)(4) Home Occupation Permit. The applicant desires to provide indoor physical training for women for primarily wellness, private instruction, post rehabilitation for orthopedic and muscular fitness, and small group instruction for Pilates and/or cardiovascular wellness (2-4 people) in the R-2 Zone of the Camino Real Residential Character Area. The property is located at 435 El Paraiso Rd. NW and is legally known as Lot 46, Unit 2 of El Paraiso Subdivision in School District No. 4, Bernalillo County, New Mexico. The property contains 0.46 acres, more or less.

PLANNING AND ZONING COMMISSION
PLANNING REPORT

Village of Los Ranchos • 6718 Rio Grande Blvd. NW • (505) 344-6582 Fax 344-8978

DATE ISSUED: April 16, 2019

REPORT NO. PZ-19-09
File: HO# 543

ISSUED BY: Planning and Zoning

SUBJECT: A request by Lisa Knighton for a Home Occupation permit as authorized under §9.2.25(D)(4) Home Occupation Permit. located in the R-2 Zone of the Camino Real Residential Character Area.

APPLICANTS: Lisa Knighton

LOCATION AND LEGAL:

The property is located at 435 El Paraiso Rd. NW and is legally known as Lot 46, Unit 2 of El Paraiso Subdivision in School District No. 4, Bernalillo County, New Mexico. The property contains 0.46 acres, more or less.

PROJECT:

The applicant desires to provide indoor physical training for women for primarily wellness, private instruction, post rehabilitation for orthopedic and muscular fitness, and small group instruction for Pilates and/or cardiovascular wellness (2-4 people)

ANALYSIS:

This Planning Report is for a rehearing of the request for a home occupation license. The application was originally heard by the Planning & Zoning commission in January 2019. The decision was appealed to the Board of Trustees and heard by the Board in March 2019. The result of that hearing was to remand the application back to the Planning and Zoning Commission due to procedural abnormalities.

The village received the application for a Home Occupation permit from Ms. Knighton. After reviewing the application it was felt that the request was within the criteria set out in the Zone Code and proceeded to public notice the application as stated in the code. Following the public notice the Village received two letters objecting to the approval of the request and the application is therefore forwarded for consideration to the Planning & Zoning Commission.

The full application is included in the packet. As stated, clients will come to the residence for therapy, orthopedic fitness and cardiovascular wellness. No activities will be held outside. Per the diagram in the application, the "fitness studio" is a part of the residence, although entrance is from the outside. The applicant states that 1-5 clients may be seen per day.

In reviewing the application we could find no exceptions to the Conditions as stated in the code. The objections raised by the neighbors are not consistent with the conditions of the code. We appreciate their concern for potential impact to the neighborhood, but the code is clear on vehicle trips allowed,

area of home for business use allowed and other issues. We can find none of the objections that are outside of what is allowed under the code.

There are three (3) existing Home Occupations Permits in the neighborhood: 620 El Paraiso (Consultant), 427 El Paraiso (Silent Productions LLC), and 520 Mullen (Action Furniture) governed by the same conditions as the requested permit.

Finally, the objections refer to subdivision covenants, however the Village does not enforce subdivision covenants. We review activities based on the Village Code, but attempt to be respectful of any subdivision covenants. In the case of the covenants for El Paraiso, we found no direct conflict with the covenants, which are titled El Paraiso Unit One. This address is in Unit 2 and there is some question as to the applicability of those covenants to this property. Further the covenants were prepared in 1941, amended in 1966, and some of the language is unclear as to application and requirements. The objecting parties can pursue enforcement of any valid covenants through the legal process.

RELEVANT CODE LANGUAGE:

§ 9.2.25(D) PLANNING DIRECTOR ISSUED PERMITS

(4) Home Occupation Permit. A home occupation is any use or activity clearly incidental and secondary to the use of a premise as a dwelling.

(a) Permit Required. It shall be unlawful for any person, either directly or indirectly to conduct any home occupation without a permit approved by the Planning Director or Commission.

(b) Procedure for issuance of permit.

1. Every person required to procure a permit under the provisions of this paragraph shall submit an original permit application to the Village. The application shall be in such form and require such information as the Planning Director shall determine.

2. Public Notice shall follow §9.2.25(F)

3. The permit application shall be accompanied by the first permit and business license fee

4. The Planning Director shall review all applications for permits.

5. If the application is for use of 500 square feet or less of the home and there is no adverse public comment, the Planning Director may approve the application.

6. If adverse public comment is received or the business utilizes an accessory building, the home occupation permit application shall be heard at a regularly scheduled public meeting of the Planning and Zoning Commission.

7. Whenever the Planning Director determines, in his or her discretion, that an application for permit is contrary to Village law, detrimental to the health, safety, or welfare of the Village or its inhabitants, or that the applicant is not acting in good faith, then the Planning Director shall recommend denial of the home occupation permit application to the Planning and Zoning Commission.

(c) Conditions of approval. If approved a permit for home occupation shall be subject to the following conditions:

1. It shall be conducted entirely within the residence or accessory buildings, by persons living at the residence as the primary business operator. Up to two additional employees may be employed by the business.
2. No more than five hundred (500) square feet of a residence and/or 1,000 square feet of an accessory building shall be used to conduct a home occupation.
 - a. §9.2.25(D)(4)(c)(2) shall take effect on January 8, 2014 for all new applications.
3. It shall not generate significant vehicular traffic or parking around the residence in addition to that normally associated with the use of the residence as a dwelling. Up to ten (10) business related trips per day shall be considered negligible.
4. Any heavy equipment, trucks or vehicles not normally associated with residential use which may be used directly or indirectly in the home occupation shall not be stored or parked on public streets or residential property.
 - a. With specific approval of the Planning and Zoning Commission, there shall be permitted no more than two (2) service vehicles, used in the conduct of the business, upon the premises at any one time. A service vehicle is a car, SUV, pick-up truck or panel van.
 - b. There shall be no idling vehicles, nor diesel trucks greater than one (1) ton permitted on the premises.
5. There shall be no change in the outside appearance of the residence or accessory building or other visible evidence of the conduct of the home occupation except that a small non-illuminated sign of not more than four (4) square feet that blends with the aesthetic quality of the neighborhood may be approved by permit.
6. Any sales shall be limited to products or services generated or provided by the residents and must not disrupt the residential nature of the neighborhood.
7. There shall be no storage of materials or displays of merchandise visible from outside the lot lines of the residence.
8. There shall be no storage of materials or products which are explosive, flammable, toxic or otherwise hazardous to persons living within the residence or to the public.
9. No activity shall be performed outside of the dwelling or accessory building which is not normally associated with the use of the residence as a dwelling.
10. The conduct of the business must not produce offensive noise, vibration, fumes, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare electrical interference or other objectionable effects beyond the exterior walls of the dwelling or accessory building.

11. The Planning and Zoning Commission may impose such other conditions as it deems reasonable under the circumstances and those conditions shall be recorded on the approved home occupation permit.

12. Upon request by the Planning Director, the permittee shall completely and fully cooperate with any investigation of any complaint or suspected Code violation, including allowing a complete on premises inspection by Village designated personnel.

(d) Duration and Renewal. A home occupation permit shall remain in effect and an Annual Renewal License form must be submitted by December 31 of each year.

1. The Home Occupations permit fee may not be prorated for home occupations conducted for a portion of the year.

2. An Annual Renewal License form shall be filed on or before December 31 of each year. The Form shall be in such format as the Planning Director shall determine and shall be accompanied by the annual fees.

3. Renewal of each existing license is subject to approval of the Planning Director when no complaints or violations have been documented. Annual license renewals do not require public notice.

4. Permits which have received complaints or violations at any time during the year shall follow §9.2.25(E)(3) Home Occupation Revocation procedures.

(e) License Renewal Fee. The annual license renewal fee shall be fifteen dollars (\$15.00). The fee shall be in addition to the Business Registration required by State Law.

1. Any person who fails to make a timely renewal shall be subject to a late fee of ten dollars (\$10.00) per year. The late fee is in addition to any penalties which may be imposed for violation of this Section.

(f) Duties of Permittee. Every home occupation permittee shall comply with all federal, state, county and municipal laws and regulations applicable to such permitted occupation and the failure to do so shall constitute grounds for revocation. Each permittee shall post a current license on the premises where it is visible at all times.

DEPARTMENT RECOMMENDATIONS AND FINDINGS:

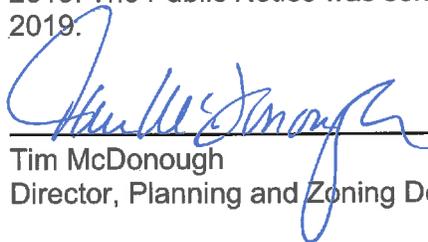
The Department recommends **approval of Home Occupation # 543.**

Findings:

The Home Occupation presented complies § 9.2.25(D)(4)(c) conditions of approval:

1. It does not occupy more than 500 SF of the residence.
2. It will be conducted entirely within the residence.
3. It will not generate significant vehicular traffic.
4. There will be no heavy equipment or trucks.
5. It is in compliance with the overall conditions of approval for a Home Occupation.

Public notice requirements have been met by publication in the Albuquerque Journal on April 20, 2019. The Public Notice was sent by mail to all neighbors within 300 feet of the property on April 16, 2019.



Tim McDonough
Director, Planning and Zoning Department

Date: 4/16/2019



435 El Paraiso NW

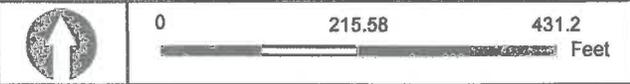
Home Occupation Permit request #543

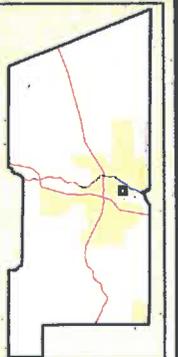
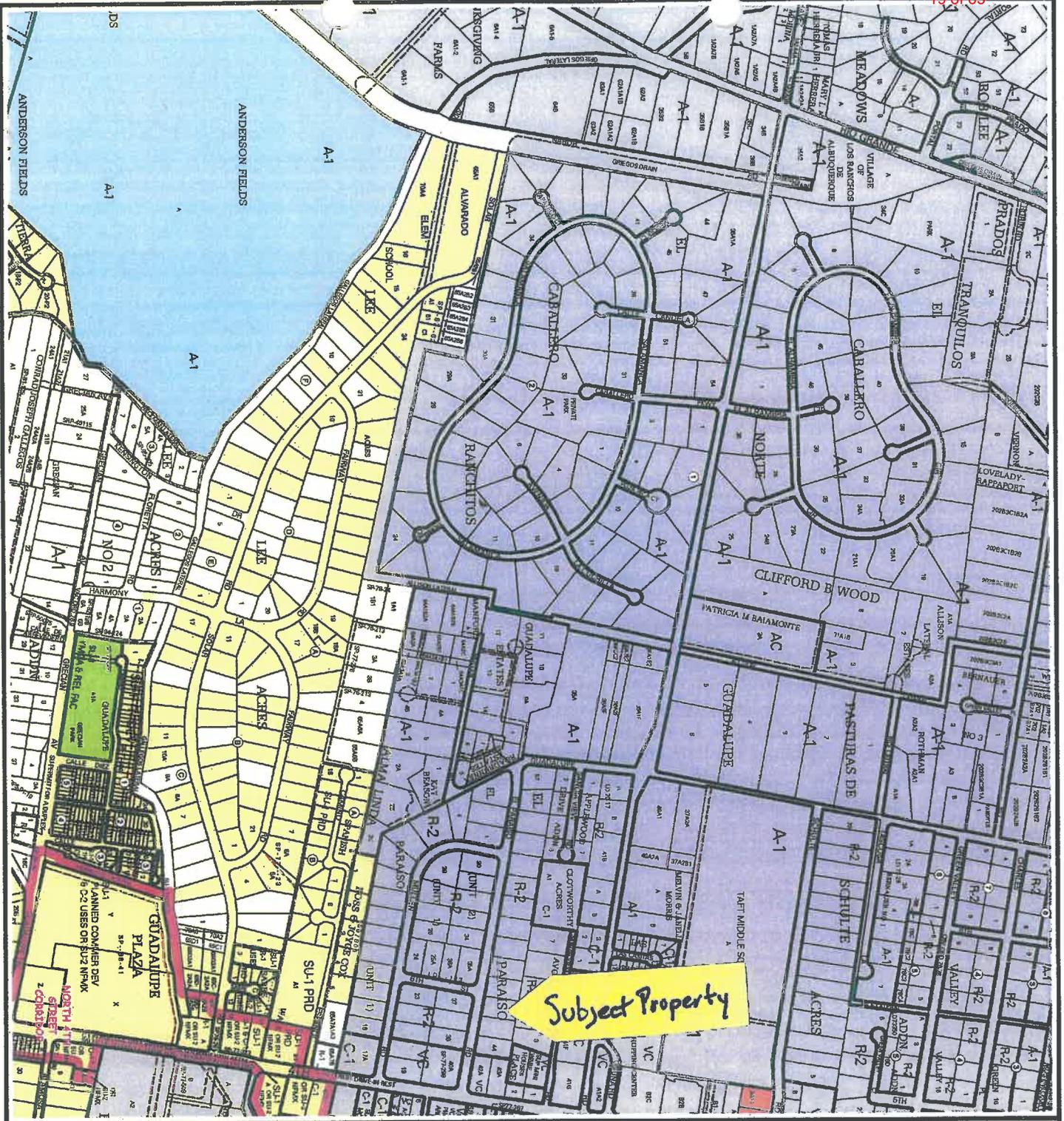


12/31/18

This information is for reference only. Bernalillo County assumes no liability for errors associated with the use of these data. Users are solely responsible for confirming data accuracy when necessary. For current information visit www.berncounty.gov/public-works/gis.aspx.

Notes





LEGAL DESCRIPTION
 T11N
 R3E
 SEC 29

UNIFORM PROPERTY CODE
 1-014-082



Map amended through July 2014



PUBLIC WORKS DIVISION
 GIS PROGRAM

This information is for reference only. Bernalillo County assumes no liability for errors associated with the use of these data. Users are solely responsible for confirming data accuracy. When necessary, source data are from Bernalillo County and the City of Albuquerque. For current information visit www.bernmco.gov/gis-program.

E-14-Z



VILLAGE OF LOS RANCHOS DE ALBUQUERQUE
 6718 Rio Grande Blvd. NW 87107
 Phone: (505) 344-6582 Fax: (505) 344-8978

HOME OCCUPATION PERMIT APPLICATION

Incomplete applications will not be processed

ANNUAL FEE: \$50

LATE FEE: \$10

Business name: Knighon's Cardio-FIT Website: in process
 Address: 435 El Paraiso Rd NW 87107 87114
 Owner: Lisa Knighon Email address: LLKnighon@gmail.com
 Phones: 706 340 7989 (Home) 706 340 7989 (Cell) Mailing Address 435 El Paraiso Rd NW

BUSINESS TYPE

Individual
 Partnership
 Corporation (NMSCC No.) _____
 LLC (NMSCC NO.) _____

Does the State of New Mexico require a license for this occupation? YES NO *If yes a current copy is required.*

STATE GROSS RECEIPTS INFORMATION

Company CRS filed under:
Knighon's Cardio-FIT LLC
 CRS No. 03-416173-00-2
 Last 4 digits of FEIN or SSN 83-2019573

QUESTIONNAIRE

DESCRIPTION OF BUSINESS: indoor physical training for women, primarily →

NUMBER OF VEHICULAR TRAFFIC INCREASE PER DAY: (i.e. clients, buyers, deliveries) 1-5 per day, max

LIST ANY EQUIPMENT: (i.e. trucks, heavy equipment, trailers, etc.) None

DESCRIBE ARRANGEMENTS FOR MERCHANDISE STORAGE: None

NATURE OF ANY EXPLOSIVE, FLAMMABLE, TOXIC OR HAZARDOUS MATERIALS: (i.e. paint, lacquer, cleaning supplies, etc.) None

LIST OUTSIDE ACTIVITIES: zero

NUMBER AND TYPE OF EMPLOYEES: 1

SIGNS REQUESTED: (sign permit required) None

A diagram must accompany application showing square footage area and percentage of home use in Home Occupation Business.

Wellness; private instruction; post-rehabilitation for
orthopedic and muscular fitness; ~~Small~~ Small
group instruction for Pilates^{and} or Cardiovascular wellness
(2-4 ppl).

Please Initial:

W

Every home occupation permittee shall comply with all Federal, State, County and Municipal laws, and regulations applicable to permitted occupations and the failure to do so shall constitute grounds for revocation.

W

Each home occupation requires an annual permit fee of \$15.00 and a business license of \$35.00, for a total of \$50.00. A Public Notice fee is also required.

W

All home occupations must abide by the regulations of the zone in which the home is located.

W

Upon request by the Planning Director, the permittee shall completely and fully cooperate with any investigation of any complaint or suspected code violation, including allowing a complete on premises inspection by Village of Los Ranchos designated personnel.

SIGNATURE MUST BE NOTARIZED

I swear that all the information is true and accurate to the best of my knowledge. I have read the Home Occupation Ordinance and agree to the conditions and terms contained therein. (See attachment)

Lisa Knighton
Print Name

[Signature]
Signature

JURAT

STATE OF NEW MEXICO
COUNTY OF BERNALILLO

Subscribed and sworn to (or affirmed) before me on this 15th day of November, 20 18

BY: Lisa Knighton

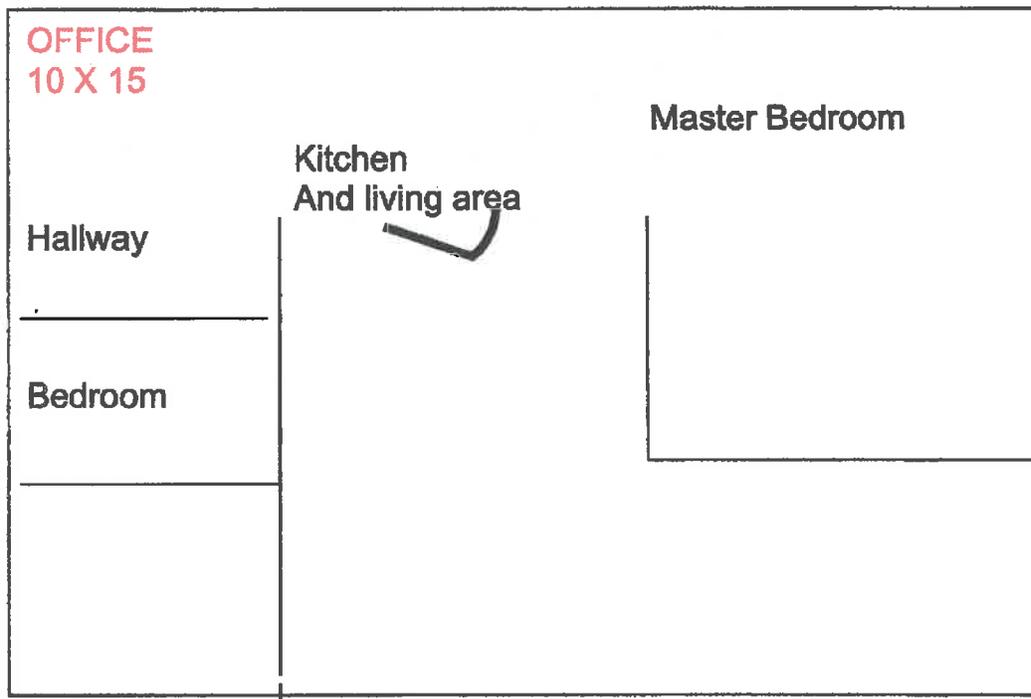
Marcella Buisell
Notary Public

OFFICIAL USE ONLY

DATE: 11/15/18 HO # 0543
RECIEPT # 892419 AMOUNT 55.00
CHECK # 3063 CASH _____

- BED & BREAKFAST
- DEMINIMUS
- HOME OCCUPATION

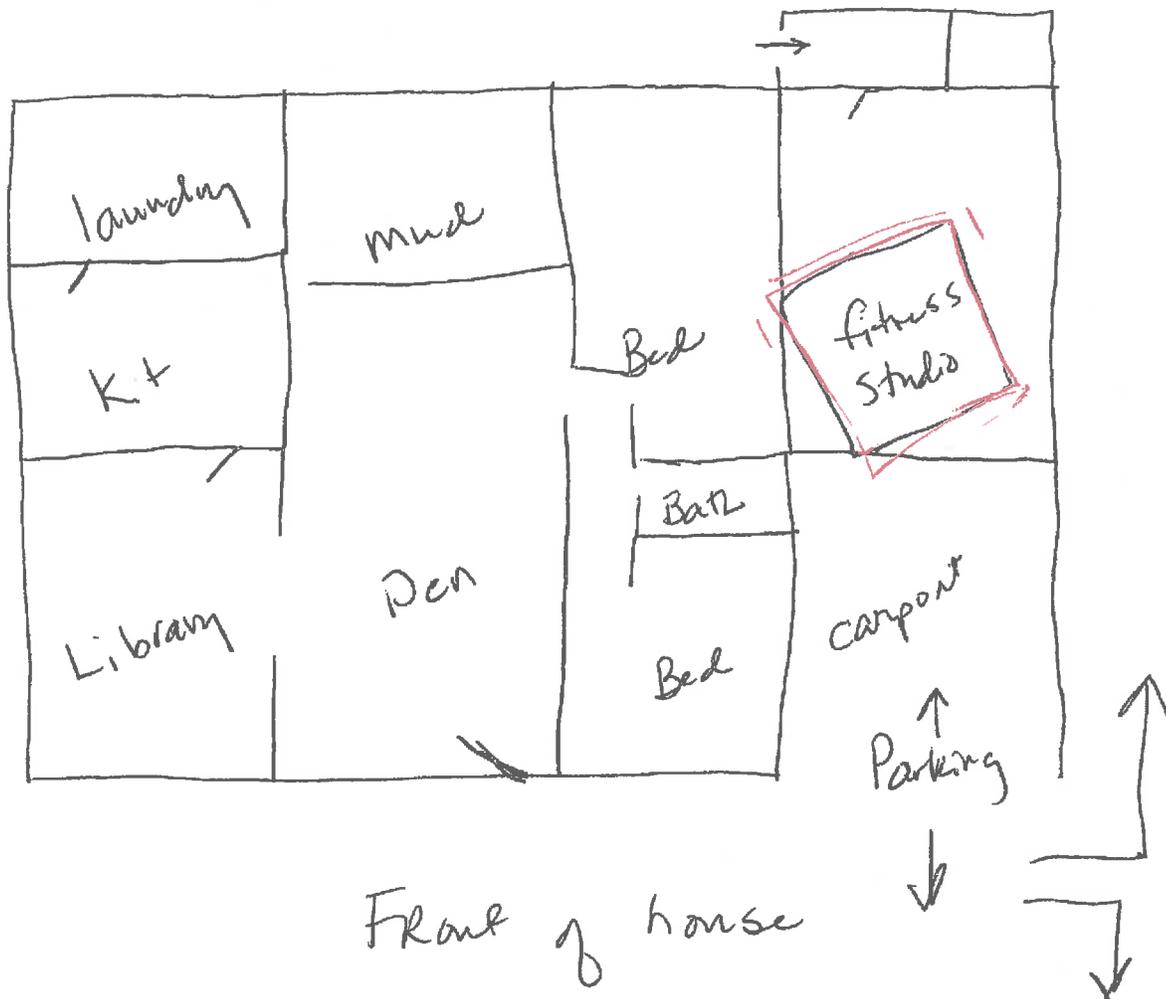
SAMPLE SITE PLAN HOME OCCUPATION



Business Name Knights Cardio - F.I.T.
 Address of Business: 435 El Paraiso Rd NW
 # Square feet utilized in home 23 x 15 = 345
 # Square feet of ancillary building X
 # Total square feet of house: 1834
 # Total square feet of ancillary building X

UTILIZE REVERSE SIDE TO DIAGRAM HOME AND ANCILLARY BUILDING USED IN BUSINESS

PLEASE RETURN THIS FORM WITH THE REQUIRED INFORMATION TO:
 VILLAGE OF LOS RANCHOS
 6718 RIO GRANDE BLVD. NW
 LOS RANCHOS, NM 87107



435 El Paraiso Rd NW

I, Lisa Knighton, wish to disagree with a petition dated November 27, 2018, and submitted to the Village of Los Ranchos, regarding a home occupation permit application that I, doing business as Knighton's Cardio-Fit, submitted on November 15, 2018.

My small, home-based business, Knighton's Cardio-Fit, provides wellness and physical fitness instruction for women. I, Lisa Knighton, am the sole employee. In my experience, offering a home-based setting for fitness instruction provides a safe and inclusive atmosphere for my clients, many of which are recovering from surgery or other health-related issues.

Knighton's Cardio-Fit offers small group activities for 2-4 people, and private, one-on-one instruction. My company's services include designing fitness and wellness activities for disorders such as osteoporosis and osteopenia, hip and knee replacement post-rehabilitation, and post-rehabilitation for orthopedic and muscular fitness. In addition, I offer cardiovascular fitness instruction, Pilates, fitness nutrition counseling, balance and functional training, and other modalities related to overall fitness training.

The reasons I disagree with the petition are as follows:

A) I deny that my business is noxious.

My services are held indoors, in a small studio that is under the same roof as my home. My clients will receive instruction in physical fitness or rehabilitation, which has never shown to cause harm or injury to living things, nor has this type of fitness or rehabilitation caused harm to the mind or morals of any of my clients in the 34

years I have been practicing this profession. (For clarification, the American Heritage Dictionary, 3rd edition, defines noxious as: 1) Harmful to living things; injurious to health: *noxious chemical wastes* 2) Harmful to the mind or morals; corrupting: *noxious ideas*.)

B) I deny that my business is offensive.

My studio activities promote physical wellness and personal health. (For clarification, the American Heritage Dictionary, 3rd edition, defines offensive as: 1) Disagreeable to the senses: *an offensive odor* 2) Causing anger, displeasure, resentment or affront: *an offensive gesture* 3) Making an attack). As the covenants were written in 1941, and have not been updated in over 75 years, I will not attempt to define or understand what the writers meant when they included the words noxious and offensive.

C) I submit that the covenants used in the petition are not relevant to 435 El Paraiso Road NW (my residence).

435 El Paraiso Road NW is located in UNIT 2 of El Paraiso subdivision and the covenants used in this petition are set for UNIT 1.

D) I deny that my clients will present any unsafe conditions for my neighbors.

I stated that my training business would average 1-5 cars per day. In my profession as a physical fitness and rehabilitation trainer, I work with women individually or

with small groups of women. I work 1-4 hours per day. For example, a typical day of training in my home-based studio, is: one small group session, and two or three one-on-one clients most days of the week; or two small groups. In addition, because my business will attract people from the surrounding area to my home, I was advised that I would receive a Deminimus license, which allows for up to 10 cars per day.

Additional objections with regards to the petition:

- 1) Angela Baldwin, owner of home at 537 El Paraiso, removed her name from the petition. I personally spoke with her and I am including a revised copy with her updated YES.
- 2) I submit that there are several signatures on the petition that are not residents.
- 3) There is a signature on the petition representing an empty house-- 434 El Paraiso Road NW. This house is currently on the market (for sale), and as of early December 2018, is under contract. Therefore, a signature for this house can have no vested interest in this issue.
- 4) In my research, I found an article published at Finance New Mexico which details a recent court ruling showing "when a covenant operates to restrict a property owner's right to use the property as he or she wishes, the court should disregard external evidence, such as past practices and social trends, and resolve the issue in favor of freedom of use." I will include a copy of this recent article.

Attached are other documents to support my business.

PETITION

PRINT NAME/SIGNATURE ADDRESS EMAIL PHONE/CELL YES/NO

3
no

4

(*)

BERNICE W. LEDDEN <i>B Ledden</i>	427 MILLER RD NW LOS RABEOS KM 8 1/2	345-6686			N	NO answer in phone
OWEN D. CLARK Owen D. Clark Diana Clark Diana K. Clark	601 EL PARAISO Rd "	344-2040 "			N N	don't change the name
Marcia Smiley <i>Marcia Smiley</i>	623 E Paraiso	589-9803			N	left msg
Stephen Sigart <i>Stephen Sigart</i>	537 EL PARAISO				W	here Beau
Agatha Baldwin <i>Agatha Baldwin</i>	537 EL PARAISO	345-4033			Y	
Tsailii Rogers <i>Tsailii Rogers</i>	427 E Paraiso Rd. NW	604-3295			NO	
Camille Varoz <i>Camille Varoz</i>	427 E Paraiso Rd. NW	615-8381			NO	

Court Ruling Shows Covenants Will Be Interpreted Narrowly

June 12, 2016

By Lawrence M. Wells and John S. Campbell, attorneys at Montgomery & Andrews, P.A.

A ruling by the New Mexico Court of Appeals this spring over homeowners' rights to keep chickens as pets, despite a community covenant restriction against keeping poultry, has ramifications for property owners, including those in business condominium associations and other business developments.

The appellate court in March reversed a 2014 trial court decision that Eldorado residents who kept chickens as pets in their backyards violated the community's covenants against raising poultry. It did so on the grounds that the covenant language was ambiguous enough to be interpreted in more than one way, and should be interpreted expansively.



John Campbell



Lawrence Wells

The covenant at issue was titled "Household Pets." It read, in part, "No animals, birds, or poultry shall be kept or maintained on any lot, except recognized household pets which may be kept thereon in reasonable numbers as pets." Residents of the Santa Fe-area subdivision claimed their chickens were pets; the association argued they were poultry. The HOA convinced the trial court to apply a more expansive rule of legal interpretation to reach its decision.

The appellate court concluded that testimony about what the developer intended in 1972 and how the HOA members and community had historically viewed the covenants was not determinative. The appellate court also disregarded testimony of a veterinarian and statistics that suggested public attitudes about keeping chickens as household pets had evolved. All of this evidence, the court explained, consisted of "unreliable factors that were changeable at any given time due to changes in the association membership and residential makeup and depending who at any given time might be interpreting" the covenant.

The court concluded that when a covenant operates to restrict a property owner's right to use the property as he or she wishes, the court should disregard external evidence, such as past practices or social trends, and resolve the issue in favor of freedom of use (subject, of course, to state, county and federal law).

The importance of the decision is this: Many HOA members, boards and officers are inclined to think that restrictive covenants can be applied in an expansive manner to restrict activities to which they object. This case made it abundantly clear that the four well-established New Mexico rules that New Mexico courts must apply when determining the meaning of covenants remain unchanged: covenant disputes are to be resolved in favor of the free enjoyment of property, covenants will be interpreted reasonably but narrowly, covenant restrictions will not be expanded by implication and the words in covenants will be given their ordinary meaning.

Decisions like this one underscore the need for HOA members, boards and managers, as well as developers, to carefully consider the wording of all covenants, especially those that restrict use within the development, and to review the language at regular intervals.

HOA boards would do well to consider this case and the previous New Mexico Supreme Court decisions against the expansive interpretation of restrictive covenants before commencing a covenant enforcement action.

The bottom line is this: If an association wants covenants to restrict certain conduct or require certain conduct, the covenants must be clear and unambiguous. If covenants are not clear and unambiguous, they should be amended to make them so.

[Download 454_Court Ruling Shows Covenants Will Be Interpreted Narrowly PDF](#)





American Council on Exercise

This certificate attests that

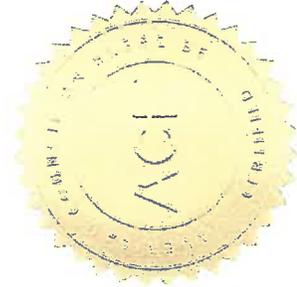
LISA KNIGHTON

has met all the requirements of the American Council on Exercise to develop and implement fitness programs for individuals who have no apparent physical limitations or special medical needs.

CERTIFIED PERSONAL TRAINER

GETTING PEOPLE MOVING SINCE 1996

Cedric X. Bryant, Chief Science Officer
American Council on Exercise



10/31/2020

VALID THROUGH





ACE SPECIALIST

American Council on Exercise

This certificate attests that

Lisa Knighton

has met all the requirements to be recognized as an ACE Specialist and completed the

Fitness Nutrition Specialist Program

CEP83563

2.5 CECS

10/30/2018

COURSE NUMBER

CECS AWARDED

DATE

CHIEF SCIENCE OFFICER

Training Center Name ACTION CPR TC ID # NM 20139
TC ABO, NM 87110 505-
Info 410-9111

Course Location

Instructor Name B. Van Vossen Inst. ID # 0606011379

Holder's Signature 

© 2015 American Heart Association Tempering with this card will alter its appearance. 15-1810

American Heart Association®

Lisa Knighton

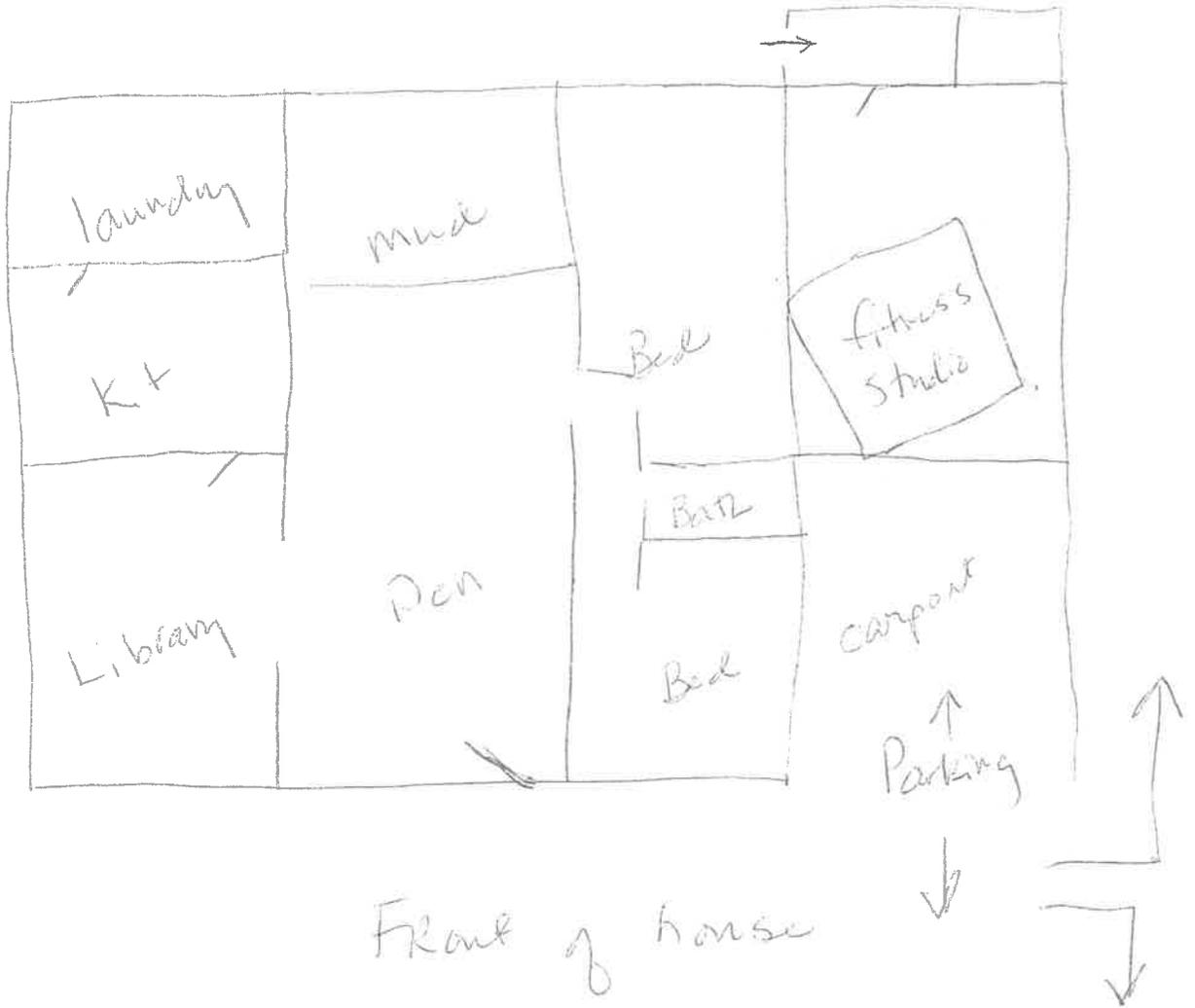
The above individual has successfully completed the objectives and skills evaluations in accordance with the curriculum of the AHA Heartsaver CPR AED Program. Optional completed modules are those NOT marked out.

~~Completed~~ 10/22/2018
Issue Date

~~Event~~ 10/20/20
Recommended Renewal Date

Strike through the modules... completed.
This card contains unique security features to protect against forgery.

15-1810 2/16



435 El Paraiso Rd NW

STEPHANIE DOMINGUEZ, VILLAGE CLERK
VILLAGE OF LOS RANCHOS
6718 RIO GRANDE BLVD.

I LIVE AT 427 MULLEN RD N.W. I HAVE
SIGNED A PETITION AGAINST GRANTING
APPROVAL TO THE PROPOSED DEMINIMUS HOME
OCCUPATION PERMIT AT 435 EL PARAISO RD N.W.

OUR BY-LAWS EXIST TO PROTECT OUR
COMMUNITY FROM UNBIDDED COMMERCIAL
ACTIVITY IN OUR RESIDENTIAL NEIGHBORHOOD.
I SUPPORT AND ABIDE BY THESE BY-LAWS,
BECAUSE THEY SUPPORT MY COMMUNITY AS
WELL AS MYSELF.

THANK YOU, BERNICE LEDDEN (505) 345-6686
427 MULLEN RD, N.W.

Bernice Ladden

RECEIVED

NOV 30 2018

VILLAGE OF LOS RANCHOS

November 27, 2018

Village of Los Ranchos Administration

6718 Rio Grande Blvd. NW

Los Ranchos, NM 87107

RE: Request for a Deminimis Home Occupation Permit at 435 El Paraiso Rd. NW Los Ranchos

Neighborhood Comment(s) with attached Petition

ATN: Stephanie Dominguez, Village Clerk

A Public Notice for Home Occupation Permit Application dated November 15, 2018 for Home Occupation #0543 was received by neighbors: Betty Marquez, (428 El Paraiso Rd., Lot 38; Olga Varoz Estate, (434 El Paraiso Rd. Lot 37); and Camille Varoz, (427 El Paraiso Rd NW, Lot 45. Dan Fiola, (501 El Paraiso Rd. NW, Lot 47), adjacent to the property at 435 El Paraiso Rd. NW did not receive a notice.

According to the Public Notice, public comments may be submitted within fifteen (15) days of receipt of notice. The above stated neighbors, stated neighbors did not receive the notice until, November 17, 2018. Accordingly, comments can be submitted by December 2, 2018.

In the Notice and Request, an individual can have a Deminimis Home Occupation Permit with no more than 10 vehicles a day.

(Please see the attached signed Petitions.)

NOTE: Because of time constraints and the Thanksgiving Holiday, other neighbors were provided with the Petition Notice but have not had responded for or against the proposed Permit Application.

The signed Petitioners/neighbors are protesting this Permit/business because as a neighborhood for over 75 plus years, we have valued and enjoyed our residential agricultural environment, which has been safe, and tranquil to raise our families. There has been an increase in traffic flow through El Paraiso Rd and Mullen from Rio Grande Chavez and 4th to avoid the traffic congestion on 4th street. This has caused unsafe conditions for our neighborhood with cars speeding through our neighborhood streets at all hours of the day and night.

Ten (10) additional cars with possibilities of other individuals applying for A Home Occupation Permit will turn our neighborhood from residential to mixed use/commercial.

The El Paraiso Neighborhood has been in unison for over 75 years. We have participated in the Village events. We have attended Village Planning and Zoning and the Board of Trustee meetings. We do not just look at parts of our neighborhood; we look at the totality of our neighborhood. It was inequitable for adjacent property owners not to receive the Public Notice and therefore not all able to timely make comments.

The El Paraiso Neighborhood has been governed by a Declaration of Covenant dating back to 1940. The Village of Los Ranchos has worked collaboratively with our El Paraiso Neighborhood Association to honor our Covenant when deemed possible.

In the Declaration of the Establishment of Conditions and Restrictions (Section D states that No noxious or offensive trade or activity shall be carried on upon any lot nor shall anything be done therein which may be or become an annoyance or nuisance to the neighborhood.

The flux of traffic created by the business and not knowing who comes through our neighborhood will be considered an annoyance or nuisance. We have never been faced with a home business of this nature. There are several neighbors who have a home business permit but do not have their clients come to their residences which do not create traffic or unsafe conditions. They conduct their business elsewhere. In communication with these neighbors, they value our neighborhood as a residential district, not a business/commercial area.

With this consideration, the **El Paraiso neighbors who are opposed to the Application request that the Permit Application be denied.**

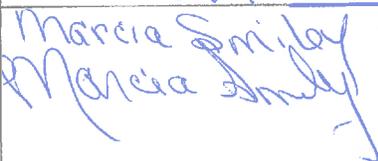
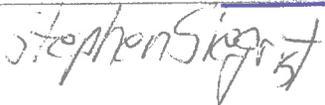
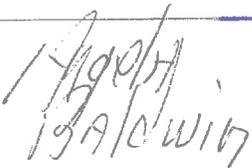
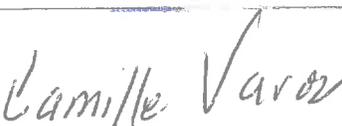
Camille Varoz is the contact resident for this Petition Protest. She can be reached at (505) 615-8381 or email: camillev0610@gmail.com.



Thank you for your time and consideration.

PETITION

PRINT NAME/SIGNATURE ADDRESS EMAIL PHONE/CELL YES/NO

BERNICE H. REDDEN 	427 MILLER RD NW LOS ANGELES NM 87047		345-6686		N
OWEN D. CLARK Owen D. Clark Diana Clark Diana K. Clark	601 EL PARAISO Rd "		344-2040 "		N N
Marcia Smiley 	623 E PARAISO		589-9803		N
Stephen Sigrist 	537 EL PARAISO				W
Angela Baldwin 	537 EL PARAISO				N
Tsai Iii Rogers	427 E1 Paraiso Rd. NW		604-3295		NO
Camille Varoz 	427 E1 Paraiso Rd. NW		615-8381		NO

PETITION

PRINT NAME/SIGNATURE ADDRESS EMAIL PHONE/CELL YES/NO

Kassondra Sosa	610 El Paraiso Rd		505- 306-3065		NO
Kassondra Sosa		k.sosa24@yahoo.com			
John Gutierrez Jr. 	610 El Paraiso Rd. NW jgutz86@hotmail.com		505-720- 1797		NO
Varoz Estate	434 El Paraiso Rd NW CamilleVob1@gmail.com		615-8381		No
CURTIS KITS Suzanna KITS	513 El Paraiso Rd		505 401 2173		NO

March 18, 2019

Tim McDonough
Director, Planning and Zoning
Village of Los Ranchos
6718 Rio Grande Blvd. NW
Los Ranchos, NM 87107

Mr. McDonough:

I am writing this letter not to quote the great volumes of Codes, Ordinances, Regulations, and how each of us has conflicting interpretations and opinions of how they should be administered.

My Wife and I are 50 plus year residents of the El Paraiso Rd., and have watched our once quiet, family oriented neighborhood, where the children played baseball other games in the street turn into the Village short-cut. These children did not have to worry about speeding, angry, cut- through, short-cutting Village residents who are trying to avoid the never ending construction on 4th. ST. which has been ongoing for the past three years or longer. Now to add insult to injury the Village has approved an Home Occupation Permit to a new resident and which will result in additional traffic and on street parking. It has also come to our attention that this new business is placing their trash containers in front the adjacent residences so that additional parking is available for their customers.

The Village is correct in stating that there are other Diminimis Permits issued to other residents who acquired the Permits to use a room in their homes as a business office, however their customers do not, I repeat, DO NOT come to their residences to conduct business. It is my understanding that the Diminimis Permit differs from a Home Occupation Permit in the sense that it would allow for the business customers conduct their business at the residence. I may be incorrect in this interpretation. I also understand that the Planning and Zoning Department changed the original request for a Diminimis Permit to a Home Occupation Permit upon obtaining additional information from the permit applicant as to the intended use on the residence's premises.

I do need to address the vehicular speeding further, it has become a real problem with the increased use of El Paraiso Rd. and Mullen Dr. as the Village residents have self designated these streets as their private thoroughfares.

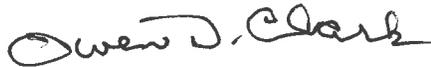
My wife and I addressed this issue to Mayor Don Lopez and the Mayor had the Public Liaison Adviser meet with us to discuss the problem. Fred Radosevich came to our home and met with us and relayed that a traffic count and speed study would be the first step in addressing the problem.

We advised Fred Radosevich that the speed bumps were of little to no help in slowing the thru traffic, as there was only one speed bump on the entire street that the vehicles would have to slow down for. *"Guess where the traffic counter and speed indicator was placed?"* My wife called and requested that the counter be placed at an more appropriate location. "THIS WAS NEVER DONE", any data gathered is not in any way whatsoever indicative of the traffic speed or volumes.

It is not my intent to write another lengthy dissertation to place on the stack of letters that have already been received by the Village objecting to this Home Occupation Permit regarding this issue. It has been apparent from the onset, that, "THIS WAS A DONE DEAL" and regardless of the neighborhood resident's objections, and the disastrous consequences and precedents that would be set, approval was going to be granted.

I would ask that the appeal be carefully considered and a fair and just decision be reached that will not further destroy our once peaceful and tranquil residential neighborhood.

Thank You :



Owen D. & Diana K. Clark
601 El Paraiso Rd. NW
Los Ranchos, NM 87107

- B. V-19-04** A request by Kala Baca for a Variance from §9.2.14(C) Uses, Single Family Residence - Prohibited, as the applicant desires to build a single-family residence at this location in the VC Zone of the Camino Real Residential Character Area. The property is located at 431 Sandia View NW and is legally known as Lot 41-F-1-B Lands of Chavez, within Sections 28 & 29, T. 11 N., R. 3 E., N.M.P.M., Elena Gallegos Land Grant, Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico. The property contains 0.2410 ac, more or less.

PLANNING AND ZONING COMMISSION
PLANNING REPORT

Village of Los Ranchos • 6718 Rio Grande Blvd. NW • (505) 344-6582 Fax 344-8978

DATE ISSUED: April 17, 2019

REPORT NO. PZ-19-12
 File: V-19-04

ISSUED BY: Planning and Zoning Department

SUBJECT: A request by Kala Baca for a Variance from §9.2.14(C) Uses, Single Family Residence - Prohibited, as the applicant desires to build a single-family residence at this location in the Village Center (VC) Zone of the Camino Real Residential Character Area.

APPLICANTS: Kala Baca; Robert Chavez, Agent

LOCATION AND LEGAL:

The property is located at 431 Sandia View NW, and is legally known as Lot 41-F-1-B Lands of Chavez, within Sections 28 & 29, T. 11 N., R. 3 E., N.M.P.M., Elena Gallegos Land Grant, Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico. The property contains 0.2410 ac, more or less.

PROJECT:

The owner proposes to build a single-family dwelling on the property that was gifted to her by her Grandmother, Georgia Chavez. The Chavez family has a long history in the Village and has had a family ownership of several acres at the corner of Fourth and Chavez. As the younger generation are coming of age the family intended to be able to continue the tradition of passing down portions of the property to the younger generation so that they can build homes on the traditional family property and share in the historic legacy of the Chavez family.

ANALYSIS:

Until December 2002, the property was zoned C-1 which allowed single family homes. In December 2002 Ordinance 172 changed the Zoning to Village Center zone which allowed residential development with densities from 12 DU/acre up to 24 DU/acre. The family has stated that when the zoning was changed to VC they were not informed of the pending change. They have had numerous discussions with Village staff since that time, without a clear path for resolution. Initially the family wished to change the zoning back to C-1, however, the uses in the C-1 Zone have changed and single-family dwelling can only be built in a density range of 10 to 24 DU/acre.

RELEVANT CODE LANGUAGE:

§ 9.2.14 VC-VILLAGE CENTER ZONE

(C) USES. Properties within the Village Center Zone shall conform to the Use Table below. Uses designated as “Permitted” may be denied if the proposed use is not in conformance with the Master Plan, or is deemed by the Village to be a nuisance or injurious to adjacent property, the neighborhood, or the Village of Los Ranchos.

Residential (as qualified below)	P
Assisted living (adult) facilities	C
Daycare (adult) facilities	C
Duplex	X
Garage sales, estate sales, home distribution parties, trunk shows or other similar activities.	X
Single-family detached	X
Townhouses are required to provide a minimum of 24 dwelling units per gross acre.	C
Triplex	X

§ 9.2.3 (B) VARIANCE means a variation from the strict application of the Zoning Code; however, use of premises shall never be changed via a variance. A dispensation permitted on individual parcels of property as a method of alleviating unnecessary hardship by allowing a reasonable departure from lot size or setback regulations due to unusual or unique circumstances of the land. Financial gain or loss shall never be the deciding factor in granting a variance unless the property owner would be deprived of all economically feasible use of the property.

§ 9.2.25 APPLICATION AND APPROVAL PROCESS

(E) COMMISSION/BOARD ISSUED PERMITS. The following permits and any appeal of the Planning Director's decision may be approved by the Commission according to the Matrix, or considered by the Commission for approval and forwarded to the Board with a recommendation for approval.

(7) Variance. A variance may be granted from the terms of this Section if:

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

- 1) It is not contrary to the public interest; and
- 2) Owing to special conditions, a literal enforcement of this Section will result in unnecessary hardship.
- 3) Use of premises shall never be changed via a variance.

(b) For purposes of this section, enforcement of this Section shall be deemed to cause unnecessary hardship if:

1. When compared with other land in the vicinity subject to the same provisions, the parcel is exceptional by reason of physical characteristics of the land that existed when the provisions were adopted or which were created by natural forces or by government action for which no compensation was paid;
2. When compared to other land in the vicinity subject to the same provisions, the parcel is exceptional by reason of the condition or use of the parcel or of other land in the vicinity which condition or use existed when the provisions were adopted;
3. The parcel is irregular or unusually narrow in shape, and the condition existed when provisions were adopted or was created by natural force or government action for which no compensation was paid;

4. Circumstances have created a condition under which no reasonable use can be made of the land without the requested variance, provided however, that the fact that the affected parcel might have a greater value with the variance is not sufficient or justification in itself to authorize a variance. Financial gain or loss shall never be the deciding factor in granting a variance unless the property owner would be deprived of all economically feasible use of the property.

5. The development proposed in the variance differs from that allowed in this Ordinance only enough to relieve the alleged hardship; or

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

(c) An application for a variance for the same property has not been filed within six (6) months from the date of the final action on a prior application.

(d) Each and every variance is unique to the circumstances of the property for which it was granted; the granting of one variance does not set precedence for later variances.

It appears that in this case the property meets the hardship criteria:

#2 When compared to other land in the vicinity subject to the same provisions, the parcel is exceptional by reason of the condition or use of the parcel or of other land in the vicinity which condition or use existed when the provisions were adopted. The surrounding properties are primarily single-family residential properties. The prohibition for use as a single-family residence was placed on the property by the Village and prevents the family from following a long-held tradition of dividing larger properties for homesites for the younger generation.

DEPARTMENT RECOMMENDATIONS AND FINDINGS:

The Department recommends **approval of V-19-04** for a Variance from §9.2.14(C) Uses, Single Family Residence - Prohibited, as the applicant desires to build a single-family residence at this location in the Village Center (VC) Zone of the Camino Real Residential Character Area.

Findings:

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

- 1) It is not contrary to the public interest; and
- 2) Owing to special conditions, a literal enforcement of this Section will result in unnecessary hardship.

(b) 2. When compared to other land in the vicinity subject to the same provisions, the parcel is exceptional by reason of the condition or use of the parcel or of other land in the vicinity which condition or use existed when the provisions were adopted. The surrounding properties are primarily single-family residential properties. The prohibition for use as a single-family residence was placed on the property by the Village and prevents the family from following a long-held tradition of dividing larger properties for homesites for the younger generation.

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

Village of Los Ranchos 2020 Master Plan

2.1.2 Village Form Policies and Action Steps

Policy B. In each of the character areas, preserve the unique characteristics by recognizing and continuing the traditional land development patterns in the character areas, specifically with respect to:

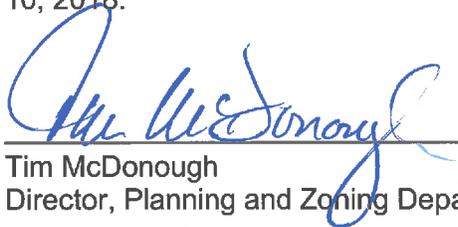
- Historic styles and buildings

7.1 Residential Goal – The goal is to maintain residential development in keeping with the rural and diverse character of the Village and within Village scale.

Therefore, the Variance request meets the requirements of 9.2.25(E)(7) (a) and (b) 2 and 6.

No prior application for a variance has been submitted on this property in the prior six months.

Public notice requirements have been met by publication in the Albuquerque Journal on May 14, 2018. The Public Notice was sent by mail to all neighbors within 300 feet of the property on May 10, 2018.



Tim McDonough
Director, Planning and Zoning Department

Date: 4/17/2019

Attachments:
Ortho
Zone Map
Application
Request for Variance



431 Sandia View - Kala Baca



5/2/19	<p>This information is for reference only. Bernalillo County assumes no liability for errors associated with the use of these data. Users are solely responsible for confirming data accuracy when necessary. For current information visit http://www.bermco.gov/planning/gis.aspx.</p>	Notes
	<p>0 203.81 407.6</p>  Feet	



Subject Property



LEGAL DESCRIPTION

T11N
R3E
SEC 28

UNIFORM PROPERTY CODE

1-015-062





Feet

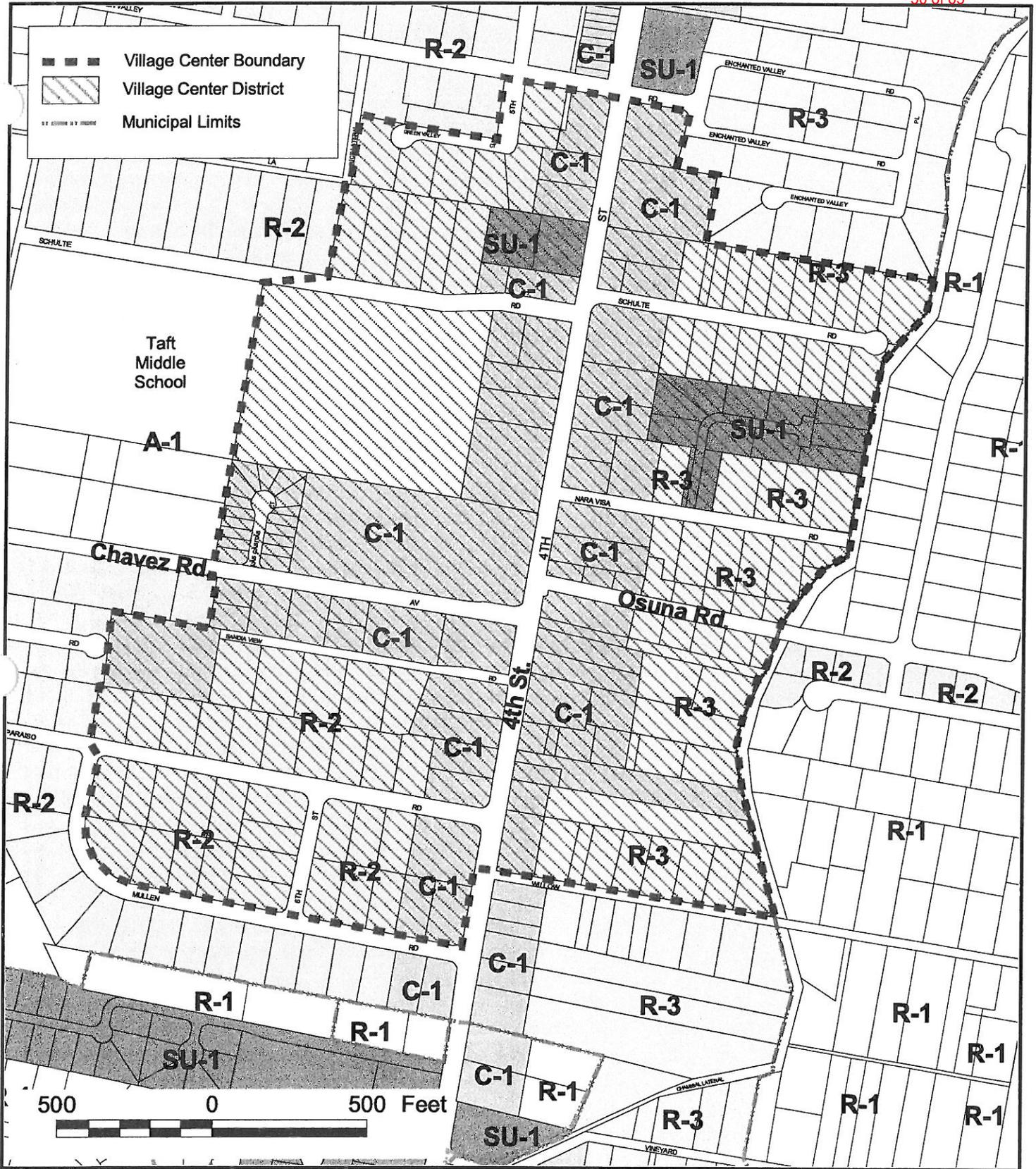
Map amended through July 2014



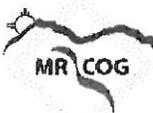
PUBLIC WORKS DIVISION
GIS PROGRAM

This information is for reference only. Bernalillo County assumes no liability for errors associated with the use of these data. Users are solely responsible for confirming data accuracy when necessary. Source data are from Bernalillo County and the City of Albuquerque. For current information visit www.bemco.gov/gis-program.

E-15-Z



**Draft
Los Ranchos Village Center
and Surrounding Properties
with Zoning Designations**



Mid-Region
Council of Governments
317 Commercial NE, Suite 104
Albuquerque, NM 87102
505-247-1750

10/23/02

Village of Los Ranchos de Albuquerque
6718 Rio Grande Boulevard NW
Los Ranchos de Albuquerque, NM 87107
Phone: (505) 344-6582

FOR OFFICIAL USE		51 of 65
Zone <u>VC</u>	V # <u>1904</u>	Date: <u>2-7-2019</u>
Related Cases _____	Receipt # _____	
Character Area _____		

THE FEE FOR THIS APPLICATION IS \$150.00 DUE AT SUBMITTAL

APPLICATION FOR VARIANCE

Address of Property 431 Sandia View Zip 87107
Los Ranchos de Albuquerque
Closest Cross Streets Fourth St.
Subdivision Lands of Chavez Block _____ Lot No. 41-F-1-B
Tract No. _____ MRGCD Map No. _____ Acreage of Property _____
UPC 101406249826510248

PROPERTY OWNER

Mailing address _____ Zip _____
Telephone _____ Cell _____
email address _____

CONTRACTOR/AGENT OR FIRM

Agent: Robert Chavez License NO. _____
Business Name: _____
Mailing address: 324 Enchanted Valley Pl Los Ranchos Zip 87107
Street City
Telephone (505) 344-7566 Cell (505) 681-7597
email address Chave24@Q.com (Chave24@Q.com)

Nature of variance:

Variance from Single Family Residence prohibition in VC ZONE

Signature of Property owner (Or submit affidavit of agent). Date

Signature of Applicant (Contractor/Agent). Date

The Village of Los Ranchos de Albuquerque does not take responsibility for information on or enforcement of, restrictive covenants on said property. All Fees generated by this application are the responsibility of the applicant, due and payable upon notification of fees by the Village.

CABQMaps - Advanced Map Viewer 2.0

Getting Around | Maps & Data Sources | Tasks



Identify Results (1)



Bernalillo County Parcels

UPC: 101406249826510248

Owner: BACA KALA

Owner Address: 428 CHAVEZ AVE NW
ALBUQUERQUE NM 87107-5818

Situs Address: SANDIA VIEW RD NW LOS
RANCHOS DE ALBUQUERQUE NM 87107

Legal Description: LT 41-F-1-B

CORRECTED SUMMARY PLAT OF LOTS 41-
F-1-A & 41-F-1-B LANDS OF CHAVEZ CONT
0.2410 AC

Acres: 0.241

Tax Year: 2019



Displaying 1 - 1 (Total: 1)



QUITCLAIM DEED

GEORGIA M. CHAVEZ, a widowed single woman, in consideration paid, quitclaims to KALA BACA, a single woman, whose address is c/o 428 Chavez Road, NW, Albuquerque, New Mexico, 87107, the following described real estate located in Bernalillo County, New Mexico (the "Property"):

Lot 41-F-1-B, Lands of Chavez, as the same is shown and designated on the Summary Plat of Lots 41-F-1-A and 41-F-1-B, recorded in the Bernalillo County, New Mexico real estate records on July 17, 2018, in Vol. 2018-C, Folio 94, as Document No. 2018062670

WITNESS my hand and seal this 27th day of September, 2018.

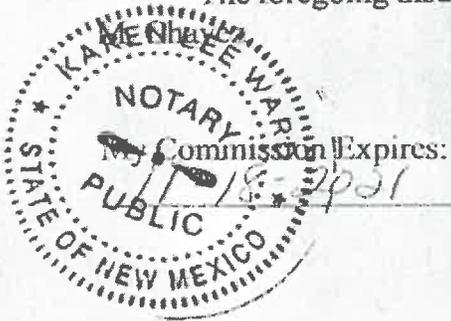
GRANTOR:

Georgia M Chavez
GEORGIA M. CHAVEZ

STATE OF NEW MEXICO)
)ss.
COUNTY OF BERNALILLO)

The foregoing instrument was acknowledged before me on September 27, 2018, by Georgia

Ravenlee Wood
Notary Public



TAX AND PAYMENT HISTORY FOR: 1 014 062 513 275 10240

YEAR	NET TAXABLE	TAX	INTEREST	PENALTY	FEES	PAID	AMOUNT DUE
2017	39,295	1,459.34	0.00	0.00	0.00	-1,459.34	0.00
2018	41,295	1,546.00	0.00	0.00	0.00	-773.00	773.00
Summary of Taxes Due			Payment information				Amount Due
1st Half Delinquent after Dec. 10, 2018			Current as of				Valid until
2nd Half Delinquent after May 10, 2019			5/1/2019				5/10/2019
	1ST HALF DUE	773.00	0.00	0.00	0.00	-773.00	0.00
	2ND HALF DUE	773.00	0.00	0.00	0.00	0.00	773.00
	TOTAL DUE	1,546.00	0.00	0.00	0.00	-773.00	773.00

To get
Current
Pay
online
Now!
Note!! All
payments
will be
applied
to
Penalty
and
Interest Total Due \$773.00
First then Pay
the
Oldest
Tax Bill

Click on
Pay
Button
to
Continue
or
Change
Amount

From: Robert Chavez <chave24@g.com>
Sent: Sunday, October 28, 2018 7:33 AM
To: 'mayordonaldtlopez@losranchosnm.gov' <mayordonaldtlopez@losranchosnm.gov>
Cc: Kala Chavez (Chavez_kala@yahoo.com) <Chavez_kala@yahoo.com>
Subject: Robert & Kala Chavez's request

Mayor Lopez,

I want to thank you for taking the time Thursday October 25, 2018 to meet with me regarding my daughter's (Kala Chavez) recent inheritance of a ¼ acre lot from my mother and the possibilities that would allow for the building of a single-story residential home.

My mother subdivided her one-acre lot into three lots. Two are ¼ acre and one is ½ acre. Kala was deeded the southwest lot that borders Sandia View Rd. I spoke to Tim a couple weeks ago regarding this issue and he informed me that my mom's property as well as Kala's is zone VC and that a single residential home is not permitted. When I talked with my mother, she stated that she thought they were still C-1. My brother produced a letter that was hand delivered and only discussed the zoning possibilities .

Kala and I are asking if we can get some help finding a solution that would allow for her to build a residence on her property. I do not see any other option for her regarding the use of this property since there is already a home on the ½ acre lot that will not be going anywhere in the foreseeable future and the other lot is deeded to a nephew who resides in California. Kala's lot has been addressed as 431 Sandia View Rd. NW.

Your consideration and help in the matter will be greatly appreciated!

- C. B&B #550** An application by Maria C. Montoya for a Bed and Breakfast Permit as required by §9.2.25(E)(1), in the A-1 Zone of the North Rio Grande Character Area. The property is located at 8650 Rio Grande Blvd. NW and is legally known as Lot A1 Plat for Lands of Annie Robertson Lots A-1, D1 and D2 within the Town of Alameda Grant, projected Sections 16 and 17, T. 11 N., R. 3 E., NMPM Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, October 1996. The property contains 1.6 acres more or less.

This item has been rescheduled to be heard on June 11, 2019.

- D. CU-12-03**, An application by Maria C. Montoya for a change to conditions of a conditional use to allow rental of a guest house, in the A-1 Zone of the North Rio Grande Character Area. The property is located at 8650 Rio Grande Blvd. NW and is legally known as Lot A1 Plat for Lands of Annie Robertson Lots A-1, D1 and D2 within the Town of Alameda Grant, projected Sections 16 and 17, T. 11 N., R. 3 E., NMPM Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, October 1996. The property contains 1.6 acres more or less.

This item has been rescheduled to be heard on June 11, 2019.

5. OLD BUSINESS

A. Discussion of the 2035 Master Plan process

B. Discussion of Priorities for 2019

1. Text Amendments to Code

6. NEW BUSINESS

There is no new business.

7. REPORTS

A. Planning Department Report

DEPARTMENT REPORT
(for May P&Z & BOT meetings)

Fourth Street Project

The Fourth Street Construction Project continues. The east side is complete with the exception of punch list items, primarily landscape and cosmetic. West side construction began on schedule on March 8 and the completion is targeted for the end of September. The construction is going south from Pueblo Solano. Business access, both vehicular and pedestrian, is accommodated at all times and is highly visible with the use of signage and pedestrian barrier. Speed is being monitored through the project area with the use of speed boards and enforcement by Bernalillo County Sheriff's Department.

Master Plan

The Village held the last of a series of public input meetings on April 16 on Economic Development. This meeting had the highest turnout, with 45 attendees, and a great energy for discussion brought by Los Lunas Economic Development Manager Ralph Mims. We are thankful for everyone who participated at this meeting and any prior meetings. No further public input meetings are scheduled, however a public open house is planned for Saturday, June 29, from 9 am to 1 pm, for those interested to review the plan, leave written comments, and speak with staff. A call for photographs to be featured in the plan will also be announced in the upcoming Village Vision. Staff continue to meet with the Master Plan Committee every two weeks and the Process consultant weekly.

General

We continue to have a steady stream of building permit applications and are keeping busy with the changes at Village Hall.

The new Administrative Assistant, Jennifer Schilling, started with us April 26. She is quickly learning the position and is doing well to fill Marcy's shoes.

The Planner will be representing the Village on MRCOG's Transportation Program Task Group (TPTG) going forward.

The Code Enforcement Officer has a couple enforcement actions in the Municipal Court involving buildings placed in setbacks.

8. COMMISSIONERS INFORMAL DISCUSSION

9. ADJOURNMENT