



Planning & Zoning Commission
of the
Village of Los Ranchos de Albuquerque

AGENDA

October 10, 2023 Regular Meeting
7:00 p.m. Warren J. Gray Hall
6718 Rio Grande Blvd NW

Commission:

Commissioner JT Michelson, Chair
Commissioner Mary Homan, Vice Chair
Commissioner Barrow
Commissioner Shelleen Smith
Commissioner Robert Martinez

Staff:

Brennon Williams – Acting P&Z Staff
Michelle S. Austin – Administrative Assistant
Nann Winter – Village Attorney
Darnell Worrell – IT Specialist & Zoom Moderator
Ann Simon – Village Administrator

Public Comment: The public may both submit written comment in advance of the meeting and sign up to speak during the meeting. The Planning & Zoning Commission will receive written comment via email up to 12:00 pm Tuesday, October 10, 2023. Individuals wishing to provide verbal public comment at this meeting must sign up prior to the meeting. It is advisable to sign up for public comment as early as possible but no later than 5:00 PM, October 10, 2023. To submit comments or sign-up to speak, email the Village Clerk Danielle Sedillo-Molina at dmolina@losranchosnm.gov.

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 – August 8, 2023 Regular Meeting

4. PUBLIC HEARINGS & APPLICATIONS

- A. V 23-06;** A request by Allen and Marsha Leatherwood for a Variance from §9.2.7(E)(2)(a)2 requiring a 15' side setback in the A-1 Zone in the Guadalupe Trail Character Area. The property is zoned A-1, and is located at 1007 El Pueblo, NW, Los Ranchos NM 87114. It is legally known as A certain tract of land being and comprising the Easterly portion of Tract numbered Thirty-four-a-2, as shown and designated on the MRGCD Property Map No. 24

Tract D lands of Leatherwood and Whipple, situate within the Village of Los Ranchos de Albuquerque, and contains 3.0365 acres more or less.

- B. V.23-07;** A request by Eric Huetter for a Variance from §9.2.11(E)(2)(a) requiring a 10' side setback and 15' rear setback in the R-3 Zone in the 4th Street Character Area. The property is zoned R-3, and is located at 334 Pueblo Solano, NW, Los Ranchos NM 87107. It is legally known as Lot numbered Thirty-six of the VALRICA ADDITION, a subdivision of a tract of land in School District Number 22, Bernalillo County, New Mexico, as the same is shown and designated on the map of said addition filed in the office of the County Clerk of Bernalillo County, New Mexico on January 19, 1946.

5. OLD BUSINESS

There is no Old Business.

6. NEW BUSINESS

1. Commissioner Resignations
 - a. Karen Christensen
 - b. Dan Gay

7. REPORTS

There is no 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 OR AT www.losranchosnm.gov.

THE NEXT REGULAR MEETING WILL BE HELD TUESDAY, NOVEMBER 14, 2023

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 2021-1-P&Z.



Ann Simon, Administrator
Acting Planning and Zoning Director



Date

1. CALL TO ORDER- Chairman Michelson

A. Roll Call

**COMMISSIONER HOMAN
COMMISSIONER GAY
COMMISSIONER CHRISTENSEN
COMMISSIONER SMITH
COMMISSIONER MARTINEZ
COMMISSIONER MICHELSON**

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. **Commentors are limited to three (3) minutes.** 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 – August 8, 2023 Regular Meeting Minutes



Planning & Zoning Commission
of the
Village of Los Ranchos de Albuquerque

MINUTES
August 8, 2023

Commission:

Commissioner JT Michelson, Chair
Commissioner Mary Homan, Vice Chair
Commissioner Connie Barrow
Commissioner Dan Gay
Commissioner Shelleen Smith
Commissioner Robert Martinez

Staff:

Ann Simon – Village Administrator
Michelle S. Austin – Administrative Assistant
Nann Winter – Village Attorney
Darnell Worrell – IT Specialist & Zoom Moderator

Absent Excused - Maida Rubin

Absent Excused - Karen Christensen

1. CALL TO ORDER

The regular meeting of the Planning & Zoning Commission was called to order at 7:00 p.m., August 8, 2023, at the Warren J. Gray Hall, by Chairman JT Michelson.

- a) Roll Call - A quorum was present.
- b) Approval of the Agenda – No changes to Agenda.

Motion: Commissioner Homan moved to approve agenda.

Second: Commissioner Barrow seconded the motion.

Vote: The motion carried unanimously (6 - 0) by roll call vote.

Commissioner Homan – yea
Commissioner Barrow – yea
Commissioner Gay – yea
Commissioner Smith – yea
Commissioner Martinez – yea
Commissioner Michelson – yea

Commissioner Barrow congratulated Director Rubin on her new arrival and a job well done.

2. PUBLIC COMMENT

- Gordene MacKenzie – 7315 Guadalupe Trail NW, Los Ranchos
- Camille Varoz – 427 El Paraiso Rd. NW, Los Ranchos
- Marsha Smiley – 623 El Paraiso Rd. NW, Los Ranchos

Discussion: Concerns continue surrounding safety in the community, pooling of water, parking in neighborhoods, keeping residents informed, and Administration should slow down before acting on additional developments in the Village. Suggestion of installing “No Parking Signs” in high-density neighborhoods. The notice of mailing radius of 300’ should

1 increase to 400' to better inform residents. Not enough green space with current
2 developments. Los Ranchos should stay agricultural vs. more housing development. Adding
3 another entrance/exit on Chavez Road will add further congestion.

4
5 **3. CONSENT AGENDA**

6 a) Approval of the Consent Agenda – No corrections or changes

7 1. July 11, 2023, Regular Meeting Minutes

8 **Motion:** Commissioner Barrow moved to approve the minutes of July 11, 2023 as read.

9 **Second:** Commissioner Homan seconded the motion.

10 **Vote: The motion carried (6-0) by roll call vote.**

11
12 *Commissioner Homan – yea*

13 *Commissioner Barrow – yea*

14 *Commissioner Gay – yea*

15 *Commissioner Smith – yea*

16 *Commissioner Martinez – yea*

17 *Commissioner Michelson – yea*

18
19 **4. PUBLIC HEARINGS & APPLICATIONS**

20
21 **A. V 23-04;** A request by Duane and Brenda Summers for approval of a Variance from
22 §9.2.10(E)(2)(a) requiring a 15-foot rear setback and a 10-foot side setback. The
23 property is zoned R-2, is located at 519 Charles Pl. NW in the Fourth Street Character
24 Area and is legally described as Lot 14 Block 3 Green Valley Addition. The property
25 contains 0.33 acres more or less

26
27 **Ann Simon, Village Administrator,** having been sworn in by Attorney Winter, gave the
28 planning report with recommendation of denial.

29
30 **Speakers for the Discussion:**

31 *Shown in the order of presentation. All speakers in attendance were sworn in by Attorney*
32 *Winter.*

33
34 **SPEAKERS:**

35 Brenda Summers – 519 Charles Pl., Los Ranchos

36 Amy Legant – 511 Charles Pl., Los Ranchos

37 Camille Varoz – 427 El Paraiso Rd., Los Ranchos

34 **POSITION:**

35 Applicant

36 In favor

37 In favor

38
39 **Discussion:**

- 40
- 41 • The applicant spoke to their application.
 - 42 • Commissioner presented questions for applicant regarding other options to build.
 - 43 • Applicant responded to comments heard.
 - 44 • Floor was closed for comments.

45 **Commissioners' Discussion:**

- 46
- 47 • Setbacks encroach in the utility easement not providing enough space for utility truck(s) to enter.

1
2 **Motion:** Commissioner Homan moved to deny.
3 **Second:** Commissioner Gay seconded the motion.

4
5 **Vote: The motion carried unanimously (6 - 0) by roll call vote:**

6
7 *Commissioner Homan – yea*
8 *Commissioner Barrow – yea*
9 *Commissioner Gay – yea*
10 *Commissioner Smith – yea*
11 *Commissioner Martinez – yea*
12 *Commissioner Michelson – yea*

13
14 **Chairman Michelson** stated that the public hearing on item **V 23-04** a request by Duane and
15 Brenda Summers for denial of a Variance from §9.2.10(E)(2)(a) requiring a 15-foot rear
16 setback and a 10-foot side setback is formally closed.

17
18 **B. V 23-05;** A request by Charles Henry and Sharon Niederman for approval of a
19 Variance from §9.2.11(C)(1) requiring guest houses be limited to 1,000 square
20 feet. The property is zoned R-3 in the Fourth Street Character Area, is located at
21 305 Wayne Rd NW, and is legally described as Lot 7 Englebrecht Subdivision.
22 The property contains 0.574 acres more or less.

23
24 **Ann Simon, Village Administrator**, having been sworn in by Attorney Winter, gave the
25 planning report with recommendation of denial.

26
27 **Speakers for the Discussion:**

28 *Shown in the order of presentation. All speakers in attendance were sworn in by Attorney*
29 *Winter.*

30
31 **SPEAKER:**

32 Charles Henry – 305 Wayne Rd., Los Ranchos
33 Sharon Niederman – 305 Wayne Rd., Los Ranchos

34
35 **POSITION:**

36 Applicant
37 Applicant

38
39 **Discussion:**

- 40
41
 - The applicant(s) spoke to their application.
 - Commissioners presented questions for applicant.
 - Applicant responded to comments heard.
 - Floor was closed for comments.

42
43 **Commissioner's Discussion:**

- 44
 - Is a medical hardship an exception to the rule, this will set a precedence if a 1,500 SF casita is approved, need to consider age-in-place for residents, possibly consider this a onetime variance approval. If approved, there is a 15-day appeal period.

45
46 **Motion:** Commissioner Gay moved to approve.
47 **Second:** Commissioner Barrow seconded the motion.

1 **Discussion on Motion:** Commissioners discussed how they would each be inclined to vote
2 and provided reasoning behind their positions.

3
4 **Vote: The motion carried (6 -0) by roll call vote:**

5
6 *Commissioner Homan – yea*
7 *Commissioner Barrow – yea*
8 *Commissioner Gay – yea*
9 *Commissioner Smith – yea*
10 *Commissioner Martinez – yea*
11 *Commissioner Michelson – yea*
12

13 **Chairman Michelson** stated that the public hearing on V 23-05 by Charles Henry and Sharon
14 Niederman for approval of a Variance from §9.2.11(C)(1) requiring guest houses be limited to
15 1,000 square feet is formally closed.
16

17 **C. CDSP 23-01;** A request by Chavez Guadalupe, LLC for review and
18 recommendation of a Conservation Development Standards Permit as allowed by
19 §9.2.27. The request is for a residential development in the A-1 Zone in the
20 Guadalupe Trail Character Area. The property is located at 6535 Guadalupe Trail
21 NW and is legally described as a tract of land situated within the Elena Gallegos
22 Grant, projected Section 29, Township 11 North, Range 3 East, New Mexico
23 Principal Meridian, within M.R.G.C.D. Mop No. 29, being all of Tracts 36-A-1-
24 E-2, 36-A-2-E-2, 36-A-3-E-2, 36-A-1-F, 36-A-2-F, 36-A-3-F, 35-A-2-A and 62-
25 8-2-B, M.R.G.C.D. MAP NO. 29. The property contains 9.2682 acres more or
26 less.
27

28 **Ann Simon, Village Administrator** gave the planning report for review and
29 recommendation with conditions to the Board of Trustees.
30

31 **Speakers for the Discussion:**

32 *Shown in the order of presentation. All speakers in attendance were sworn in by Attorney*
33 *Winter.*
34

35 **SPEAKER:**

POSITION:

36 Scott Schreiber – 9400 Del Arroyo Ave, ABQ	On behalf of applicant
37 Gordene MacKenzie – 7315 Guadalupe Trail NW, Los Ranchos	In opposition
38 Nancy Nangeroni – 7315 Guadalupe Trail NW, Los Ranchos	In opposition
39 Diana Clark – 601 El Paraiso Road, Los Ranchos	In opposition
40 Mary Chappell – 6435 El Caminito de Guadalupe, Los Ranchos	In opposition
41 Jennifer Kueffer – 722 Mullen Rd., Los Ranchos	In opposition
42 Randal Gins – 908 Green Valley Rd., Los Ranchos	In opposition
43 Joe Craig – 505 Calle del Pajarito, Los Ranchos	In opposition
44 Jeff Rob -	In opposition
45 Ann Stern – 613 Sandia View Rd., Los Ranchos	In opposition
46 Patrick Hurley – 909 Salamanca, Los Ranchos	In opposition

1 **Discussion:**

- 2 • The applicant spoke to their application using a slide show.
- 3 • Commissioners presented questions for applicant:
- 4 ○ Will the open space remain and be visible from the road, what are the water
- 5 rights, do existing casitas become part of new residence, how does the FAR
- 6 work, will the HOA have control over the open space?
- 7 • Concerns surrounding second entrance/exit on Chavez Road, not affordable housing
- 8 for young families and the aging population, high density is not the Village vision, will
- 9 the HOA have control over the open space, Villagers are not being heard, the character
- 10 of the Village is being destroyed, public notice radius of 300' should be increased,
- 11 Village is spending an excessive amount of monies to fix Chavez Road, objections of
- 12 excessive greed, conditional use application process should add "No Guest Houses."
- 13 • Applicant responded to comments heard.
- 14 ○ Will confirm if two entrances/exits are in fact a Fire Department requirement.
- 15 Open space will remain as it currently is with a planned 4' post and rail type
- 16 fence surrounding it. There is a formula to calculate the FAR. New homeowners
- 17 have the option to keep existing casitas, but they are included in the FAR
- 18 calculations. Water rights will continue as is - using the laterals.
- 19 • Floor was closed for comments.
- 20

21 **Commissioner's Discussion:**

- 22 • This is private property, and the landowner has the right to do what they want. P&Z
- 23 Commission is only part of the process that recommends the findings and conditions to
- 24 the Board of Trustees. Review of what the P&Z Commissioners are appointed to do.
- 25 What are the plans for the open space, i.e., maintenance, irrigation.
- 26 • Add to conditions and findings for BOT review:
- 27 ○ Open space language to include maintenance
- 28 ○ Keep visual openness of the open space
- 29 ○ Open space not to be left in a HOA Agreement
- 30

31 **Motion:** Commissioner Homan moved to recommend approval to the Board of Trustees with

32 the additional findings.

33 **Second:** Commissioner Barrow seconded the motion.

34

35 **Discussion on Motion:** Commissioners discussed how they would each be inclined to vote

36 and provided reasoning behind their positions and will continue to look at the Master Plan and

37 Village Ordinances for guidance.

38

39

40 **Vote: The motion carried (5 -1) by roll call vote:**

41 *Commissioner Homan – yea*

42 *Commissioner Barrow – yea*

43 *Commissioner Gay– nay*

44 *Commissioner Smith – yea*

45 *Commissioner Martinez – yea*

46 *Commissioner Michelson – yea*

47

1
2 **Chairman Michelson** stated that the public hearing on **CDSP 23-01** a request by Chavez
3 Guadalupe, LLC for review and recommendation including additional findings is formally
4 closed.

5
6 **D. Appeal to SDP 23-05;** A request by Chavez Guadalupe, LLC for review and
7 recommendation of a Preliminary Site Development Plan as allowed in §9.2.27. The
8 request is for a residential development in the A-1 Zone in the Guadalupe Trail
9 Character Area. The property is located at 6535 Guadalupe Trail NW and is legally
10 described as a tract of land situated within the Elena Gallegos Grant, projected Section
11 29, Township 11 North, Range 3 East, New Mexico Principal Meridian, within
12 M.R.G.C.D. Mop No. 29, being all of Tracts 36-A-1-E-2, 36-A-2-E-2, 36-A-3-E-2, 36-
13 A-1-F, 36-A-2-F, 36-A-3-F, 35-A-2-A and 62-8-2-B, M.R.G.C.D. MAP NO. 29. The
14 property contains 9.2682 acres more or less.

15
16 **Ann Simon, Village Administrator** gave the planning report for approval with findings and
17 conditions to the Board of Trustees.

18
19 **Speakers for the Discussion:**

20 *Shown in the order of presentation. All speakers in attendance were sworn in by Attorney*
21 *Winter.*

22
23 **SPEAKER:**

24 Scott Schreiber – 9400 Del Arroyo Ave, ABQ
25 Nancy Nangeroni – 7315 Guadalupe Tr., Los Ranchos
26 Marsha Smiley – 623 El Paraiso Rd., Los Ranchos
27 Jennifer Kueffer – 722 Mullen Rd., Los Ranchos
28 Patrick Hurley – 909 Salamanca, Los Ranchos
29 Randal Gins – 908 Green Valley, Los Ranchos
30 Joe Craig – 505 Calle de Pajarito, Los Ranchos
31 Gordine MacKinzie – 7315 Guadalupe Tr., Los Ranchos

23 **POSITION:**

24 On behalf of applicant
25 In opposition
26 In opposition
27 In opposition
28 In opposition
29 In opposition
30 In opposition
31 In opposition

32
33 **Discussion:**

- 34 • Commissioner presented questions for applicant.
35 ○ Are properties going to be fenced facing the open space?
36 ○ Confirmation if the two entrances are in fact a Fire Department Code
37 • Public comments included opposition of two entrances, concerns with parking
38 overflow and increased traffic on other streets. Public claimed in 2019, Friends of Los
39 Ranchos was actively working with Kelly Ward and Larry Abraham to buy this
40 property at 3 million and Jim Long came in with an offer and closed in 30 days. Public
41 claimed property was purchased as an investment not for personal ownership. Friends
42 of Los Ranchos urged the Commission to deny and send back to P&Z for correct
43 approval process.
44 • Applicant responded to comments heard.
45 • Floor was closed for comments.
46
47
48

1
2 **Commissioner’s Discussion:**

- 3 • Confirm notification radius.
4 • Attorney Winter and Administrator Simon responded.

5
6 **Motion:** Commissioner Michelson moved to forward preliminary review and
7 recommendations to the Board of Trustees for approve with additional findings from Agenda
8 Item 4.C.

9 **Second:** Commissioner Smith seconded the motion.

10
11 **Discussion on Motion:** Commissioner Homan wanted clarification on the motion.

12
13 **Vote: The motion carried (5 - 1) by roll call vote:**

- 14 *Commissioner Homan – yea*
15 *Commissioner Barrow – yea*
16 *Commissioner Gay–nay*
17 *Commissioner Smith – yea*
18 *Commissioner Martinez – yea*
19 *Commissioner Michelson – yea*

20
21 **Chairman Michelson** stated that the public hearing on **SDP 23-05** A request by Chavez
22 Guadalupe, LLC for review and recommendation of a Preliminary Site Development Plan as
23 allowed is formally closed.

24
25 **E. S 23-05** A request by Chavez Guadalupe, LLC for review and recommendation of a
26 Preliminary Plat for a Major Subdivision as allowed in §9.2.27. The request is for a
27 residential development in the A-1 Zone in the Guadalupe Trail Character Area. The
28 property is located at 6535 Guadalupe Trail NW and is legally described as a tract of
29 land situated within the Elena Gallegos Grant, projected Section 29, Township 11
30 North, Range 3 East, New Mexico Principal Meridian, within M.R.G.C.D. Mop No.
31 29, being all of Tracts 36-A-1-E-2, 36-A-2-E-2, 36-A-3-E-2, 36-A-1-F, 36-A-2-F, 36-
32 A-3-F, 35-A-2-A and 62-8-2-B, M.R.G.C.D. MAP NO. 29. The property contains
33 9.2682 acres more or less.

34 **Ann Simon, Village Administrator** gave the planning report for review and
35 recommendation of approval for a preliminary plat of a major subdivision with findings and
36 conditions.

37
38 **Speakers for the Discussion:**

39 *Shown in the order of presentation. All speakers in attendance were sworn in by Attorney*
40 *Winter.*

41
42 **SPEAKERS:**

43 Scott Schreiber – 9400 Del Arroyo Ave, ABQ
44 Joe Craig – 505 Calle del Pajarito
45 Michelle Smiley – 623 El Paraiso Rd., Los Ranchos
46 Randal Gins – 908 Green Valley, Los Ranchos
47 Marsha Smiley – 623 El Paraiso Rd., Los Ranchos

POSITION:

On behalf of applicant
In opposition
In opposition
In opposition
In opposition

3
4 **Discussion:**

- 5 • Commissioner Homan presented questions for Administrator Simon and Attorney
6 Winter.
7 ○ Confirmation on process and next steps.
8 • Administrator Simon and Attorney Winter responded.
9 ○ Agenda item will have multiple opportunities for hearings and public input.
10 • Public comments: Flawed process, strongly urge deny, public comment at past
11 meetings in favor were not residents of the Village, claimed property is on a watershed,
12 need to save the sand cranes, Heritage can build anywhere why here, not listening to
13 your constituents, can the Village negotiate with the owners to purchase property, keep
14 the open space. The Village appears to be more concerned about what happens on Rio
15 Grande Blvd and how it looks and catering to builders. All participants here tonight are
16 in opposition. The Village is “rubberstamping” 16 homes. This affects not just families
17 within 400’ it concerns the entire Village. Public claimed that Fire Department can
18 block off an entrance/exit for their access only. Vote for a delay to gain more
19 understanding and clarification on procedures.
20 • Commissioner comments: The Planning and Zoning are not elected officials we are
21 appointed. Commissioners are here to listen and use the Village Codes, Ordinances and
22 Master Plan to make informed decisions. It was confirmed that a 400’ radius notice was
23 provided for this meeting.
24 • Applicant responded to comments heard.
25 • Floor was closed for comments.

26
27
28 **Motion:** Commissioner Homan moved to delay this item until the September meeting.

29 **Second:** Commissioner Barrow seconded the motion.
30

31 **Discussion on Motion:**

32 Commissioners discussed how they would each be inclined to vote and provided reasoning
33 behind their positions.
34

35 **Revised Motion:** Commissioner Homan moved to delay this item until the October meeting.
36

37 **Discussion on Revised Motion.** Commissioners discussed their positions.
38

39 **Commissioner Homan Withdrew her Motion**

40 **Commissioner Barrow Withdrew her Second**
41

42 **Motion:** Commissioner Smith moved to forward for review and recommend to the BOT for
43 approval and include additional conditions listed in Agenda Items 4.C and 4. D and additional
44 clarification on Green Space.

45 **Second:** Commissioner Barrow seconded the motion
46

47 **Vote: The motion carried (5 -1) by roll call vote:**

48 *Commissioner Homan – yea*

- 1 *Commissioner Barrow – yea*
- 2 *Commissioner Gay–nay*
- 3 *Commissioner Smith – yea*
- 4 *Commissioner Martinez – yea*
- 5 *Commissioner Michelson – yea*
- 6

7 **Chairman Michelson** stated that the public hearing on **S 23-05**; A request by Chavez
8 Guadalupe, LLC for review and recommendation of a Preliminary Plat for a Major
9 Subdivision as allowed in §9.2.27 was formally closed.

10
11 **5. OLD BUSINESS**
12 *There was no Old Business*

13
14 **6. NEW BUSINESS**
15 *Welcome Baby Violet and Congratulations to Director Ruben*

16
17 **7. REPORTS**
18 *No reports*

19
20 **8. COMMISSIONERS' INFORMAL DISCUSSION**
21 *No discussion*

22
23
24 **9. ADJOURNMENT**

25
26 **Chairman Michelson adjourned the meeting at 11:01 pm**

27
28
29 **Approval of the August 8, 2023 Minutes**

30
31 These minutes have been **APPROVED** by the Planning & Zoning Commission of the
32 Village of Los Ranchos de Albuquerque this _____ day of _____, 2023.

33
34 ATTEST:
35
36
37 _____
38 **Connie Barrow, Secretary**
39 **Planning & Zoning Commission**

4. PUBLIC HEARINGS

- A. **V 23-06**; A request by Allen and Marsha Leatherwood for a Variance from §9.2.7(E)(2)(a)2 requiring a 15' side setback in the A-1 Zone in the Guadalupe Trail Character Area. The property is zoned A-1, and is located at 1007 El Pueblo, NW, Los Ranchos NM 87107. It is legally known as A certain tract of land being and comprising the Easterly portion of Tract numbered Thirty-four-a-2, as shown and designated on the MRGCD Property Map No. 24 Tract D lands of Leatherwood and Whipple, situate within the Village of Los Ranchos de Albuquerque, and contains 3.0365 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: September 12, 2023

REPORT NO. PZ-23-28

File: V-23-06

ISSUED BY: Planning and Zoning Department

SUBJECT: A request for a Variance from §9.2.7(E)(2)(a)2 requiring a 15' side setback in the A-1 Zone in the Guadalupe Trail Character Area.

APPLICANTS: Allen and Marsha Leatherwood

LOCATION AND LEGAL:

The property is located at 1007 El Pueblo, NW, Los Ranchos NM 87107. It is legally known as A certain tract of land being and comprising the Easterly portion of Tract numbered Thirty-four-a-2, as shown and designated on the MRGCD Property Map No. 24 Tract D lands of Leatherwood and Whipple, situate within the Village of Los Ranchos de Albuquerque, and contains 3.0365 acres more or less.

PROJECT:

The applicant is requesting a variance to the side setback requirements in the A-1 Zone in order to subdivide the property into two lots, a 2-acre lot and a 1.0365- acre lot. According to the applicant's justification letter, the property, which is made up of two lots combined in 1989, has an existing structure on the 2-acre lot that sits 10 feet from the proposed property line. The applicants are interested in maintaining the original property line to be consistent with the adjacent property lines, but the existing structure does not meet the side setback requirement in §9.2.7(E)(2)(a)2.

SURROUNDING LAND USES:

The properties to the south, east, and west are all zoned A-1 and are in the 4th Street Character Area. The properties to the north are zoned A-1 and are also in Guadalupe Trail Character Area.

RELEVANT CODE LANGUAGE:

§ 9.2.7 A-1 AGRICULTURAL/RESIDENTIAL ZONE (1 residential unit/one acre)

§9.2.7(E)(2)(a)2.

(a) Except as provided in § 9.2.7(E)(3), (G)(4)(a) and (H) of this Section, the setbacks from the property line to the nearest structure shall be as follows:

2. Side setback shall be: fifteen (15) feet.

§9.2.25 APPLICATION AND APPROVAL PROCESS

(E) COMMISSION/BOARD ISSUED PERMITS.

(7) Variance. This provision applies to applications for variances from the terms of this Chapter 9.

(a) A variance may be granted if:

1. The variance is in conformance with the goals and policies of the Village Master Plan; and
2. It is not contrary to the public interest in protecting and fostering the character of the vicinity and the Village, and will not cause material adverse impacts on adjacent property, the neighborhood, or the community; and
3. Owing to special conditions, a literal enforcement of this Chapter 9 will result in unnecessary hardship.

(b) Unnecessary Hardship Criteria. Enforcement of this Chapter 9 may be deemed to cause unnecessary hardship if:

1. When compared with other land in the vicinity and located in the Village, 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; or
2. When compared to other land in the vicinity and located in the Village, 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; or
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; or
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; or
5. Other relevant factors exist that when taken into account indicate that granting of the variance is substantially justifiable giving proper weight to the interests of the property owner, the public interest in protecting and fostering the character of the vicinity and the Village, and the intent and purpose of the Master Plan and Zone Code.

(c) General principles applicable to all variances:

1. The requested variance shall not effectuate or be deemed to have authorized a zone change or in any manner affect the zoning of any property; and
2. 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; and
3. The requested variance differs from that allowed in this Chapter 9 only enough to relieve the alleged hardship; and
4. The alleged hardship was not self-imposed by the property owner; and
5. An application for a variance for the same property will not be considered if another application has been filed within six (6) months from the date of the final action on a prior application; and
6. 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.

ANALYSIS:

§9.2.7(E)(2)(a)2, compliance with the Master Plan:

Under **2.1.2 Village Form Policies & Action Steps** in the Master Plan, **Policy A Action Steps** includes the provision to “Enforce Village zoning and Ordinance requirements.” This supports enforcement of the A-1 Zone’s setback requirements, but it also means that should the Planning and Zoning Commission find that the hardship criteria are met under the variance requirements, a variance may be granted from the strict application of these standards. *May conform.*

4.1 Environmental Goal is to “In recognition of the holistic system of the environment, its connection to health and quality of life, and human impact on the environment, it is the goal to protect and enhance the environment in the Village wherever and whenever possible.” *May conform.*

§9.2.25(E)(7)(a)(2), public interest and material adverse impacts on adjacent property, the neighborhood, or the community:

One facet of public interest is conformity with the adopted goals and policies of the Village Master Plan, see above. The Village did not receive any comments of support or opposition prior to the publication of the meeting packet. *May conform.*

§9.2.25(E)(7)(b)1 and §9.2.25 E (7)(b)5, unnecessary hardship: Staff find that the following hardship criteria exist.

Hardship criteria **§9.2.25 E (7)(b)1**: This provision applies to applications for variances from the terms of this Chapter 9. (b), unnecessary hardship criteria. Enforcement of this Chapter 9 may be deemed to cause unnecessary hardship if when compared with other land in the vicinity and located in the Village, 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.

Hardship criteria **§9.2.25 E (7)(b)5**: Staff finds that other relevant factors exist that when taken into account indicate that granting of the variance could be justifiable giving proper weight to the interests of the property owner, the public interest in protecting and fostering the character of the vicinity and the Village, and the intent and purpose of the Master Plan and Zone Code. According to the property owner they want to keep the front lot in pasture grass irrigated from adjacent irrigation ditch. Further, the original side-setback requirement was a 10-foot side setback when the original site plan was approved by the Village. *May conform*.

§9.2.25(E)(7)(c)(1) through (6):

- (1) This application does not affect the zoning of the property.
- (2) Financial gain or loss was not cited as a factor prompting this request.
- (3) The variance brings the property back to previous conditions.
- (4) The alleged hardship was self-imposed by the property owner.
- (5) No prior application for a variance has been submitted on this property in the last six months.
- (6) This variance does not set precedence as the basis for its approval is meeting hardship criteria #1 and 5.

DEPARTMENT RECOMMENDATIONS AND FINDINGS:

The Department recommends **approval of V-23-05**, a request for a Variance from §9.2.7(E)(2)(a)2 requiring a 15-foot side setback in the A-1 Zone in the Guadalupe Trail Character Area, with the following Findings and Conditions:

Findings:

The Variance request meets the requirements of **§9.2.25(E)(7)(a) 1-3, (b) 1,5, and (c) 1-6**:

(a)(1) The application is in conformance with the Master Plan in the following sections:

**2.1.2 Village Form Policies & Action Steps in the Master Plan,
Policy A Action Steps**

Enforce Village zoning and Ordinance requirements.

4.1 Environmental Goal

In recognition of the holistic system of the environment, its connection to health and quality of life, and human impact on the environment, it is the goal to protect and enhance the environment in the Village wherever and whenever possible.

(a)(2) The Variance is not contrary to the public interest.

(a)(3) Owing to special conditions, a literal enforcement of this Chapter 9 will result in unnecessary hardship.

(b) Unnecessary Hardship Criteria met: 1 and 5.

(c) Subsections 1 through 6 are met.

Conditions:

1. The variance is to the side setback requirements in the A-1 Zone in order to subdivide the property into two lots, a 2-acre lot and a 1.0365- acre lot.

Should the Planning and Zoning Commission find that granting the Variance request is NOT warranted, staff recommends the following findings of fact and conditions for denial:

The Variance request does not adequately meet the requirements of **§9.2.25(E)(7)(a) 1-3, (b) 5, and (c) 1-6:**

- (a)(1)** The Variance is not in conformance with the goals and policies of the Village Master Plan, as granting this request is contrary to Policy A Action Steps, "Enforce Village zoning and Ordinance requirements."
- (a)(2)** The Variance is contrary to the public interest.
- (a)(3)** Owing to special conditions, a literal enforcement of this Chapter 9 will not result in unnecessary hardship.
- (b)** Unnecessary Hardship Criteria #5 not met.
- (c)** Subsections 1 through 6 are met.

Public notice requirements have been met by publication in the Albuquerque Journal on 8/23/23. The Public Notice was sent by mail to all neighbors within 300 feet of the property on 8/22/23. The Public Notice sign was posted on the property by 8/23/23.



 Ann Simon, Administrator
 Acting Director, Planning and Zoning Department

Date: 08/25/23
 9/27/23 AHS

- Attachments:
 Application
 Ortho
 Zone Map



FOR OFFICIAL USE

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

Zone A-1 V# 23-06 Date: 8-14-2023
 Related Cases N-A Receipt# 974958
 Character Area Guadalupe Trail

Application fee of \$150.00 due at submittal. Additional public notice fees will apply.
Complete application must be submitted with all required documents by the deadline for the next Planning & Zoning Commission meeting. Incomplete applications without all required supplemental documents will not be processed. No revisions (edits to submitted documents, removing submitted documents, or additional documents) are accepted after the deadline.

VARIANCE APPLICATION

Address: 1007 El Pueblo NW Zip: 87114
Los Ranchos de Albuquerque

Property Acreage 3.0365 Nature of Variance Request: A-1 Zone Side Setback Requirement
9.2.7(E)(2)(a.) 2. 15' side setback

Legal Description (Only if property has no formal address)
 Subdivision Lands of Leatherwood and Whipple Block _____ Lot No. _____ Tract No. D MRGCD Map No. 638-61
24

PROPERTY OWNER
 Name: Allen & Marsha Leatherwood
 Mailing address: 1007 El Pueblo NW Los Ranchos 87114
Street City Zip
 Telephone: (505) 288-4272 Email: mjleath@icloud.com

CONTRACTOR/AGENT OR FIRM

Representative for property owner who will handle application processing in lieu of property owner. If not applicable, leave blank.
 Contact Name: _____ Title: _____
 Business Name: _____
 Mailing address: _____
Street City Zip
 Telephone: _____ Email: _____

REQUIRED DOCUMENTS

*** Must be submitted with application form.**

- Grant/warranty deed or other proof of ownership* (Confirm with staff other proof is acceptable prior to submittal)
- Verification of paid property taxes (e.g. tax bill)* (From <https://www.bermco.gov/treasurer/property-tax-search.aspx>)
- Letter of intent – Nature of request and why requested, consisting of:
 - Section(s) of code requesting variance from – View at www.losranchosnm.gov/village-code
 - Hardship criteria – Must reference at least one. If no numerical hardship (1-5) identified, staff will recommend denial.
 - Site plan – To scale (include dimensions). Identify location of request.
 - Floor plan/design and elevations – If applicable. To scale (include dimensions).
 - Photographs/diagrams – If applicable.

In addition to the \$150.00 variance fee, the application will generate public notice fees for postings in the newspaper, a posted sign, and mailings sent to all neighbors within a 300-400 foot area from the subject property. Fees generated by this application are the applicant's responsibility, due and payable upon notification of fees by the Village.

The Planning & Zoning Department will notify the applicant to pay the public notice fees and pick up the sign to post on the property. The sign must be posted visible from the roadway; if along two roads, the applicant may pick which road to post the sign along. The applicant is responsible for posting the sign on the property for the duration of the public comment period, according to application public notice requirements.

The Village of Los Ranchos de Albuquerque does not take responsibility for information on or enforcement of restrictive covenants on the subject property.

By submitting this application, I certify that all statements herein are true and correct to the best of my knowledge.

Marsha Leatherwood 8/14/2023
Signature of Property Owner (or submit affidavit of agent) Date

[Signature] 8/14/2023
Signature of Applicant (Contractor/Agent) (if applicable) Date

FOR OFFICIAL USE

Planning & Zoning Commission Application Hearing Date: September 12, 2023

Disposition: Approved Denied Withdrawn on _____
Date

Conditions:

Attest: _____ Date _____
Planning and Zoning Director

Letter with special conditions of approval or basis for denial specified in letter (notice of decision)
mailed on _____
Date

August 14, 2023

Dear Sir or Madame,

This is a request for a variance from the A-1 Zone Side Setback Requirement 9.2.7(E)(2)(a).2., which requires a 15-foot setback.

We would like to re-subdivide our 3.0365-acre lot, Tract D in MRGCD Map # 24, into a 2-acre lot and 1.0365-acre lot. These two lots were combined in January 1989. We would like to re-subdivide along the original property line. However, there is an existing structure on the 2-acre lot that sits 10 feet from the proposed property line separation violating A-1 Zone Side Setback Requirement 9.2.7(E)(2)(a).2.

A 15-foot setback could be achieved by carving out acreage in the smaller lot and still meet the required 1-acre lot size. However, we believe a variance based on Hardship #2 and/or #5 would be preferable due to the following:

- 1) Maintaining the original property line would be consistent with the adjacent property lines preventing confusing haphazard looking fencing visible from El Pueblo Road.
- 2) There is currently a small irrigation ditch residing on the 1.0365-acre lot which is planted in pasture grass. If the variance is denied, a significant portion of ditch would be "moved" to the 2-acre property that isn't irrigated from said ditch.
- 3) There is currently a 25-foot road easement through the 1.0365-acre lot to the back 2-acre lot. It would be preferable to not lose additional acreage to meet the 15-foot setback.
- 4) The Side Setback requirement was 10-feet when the original Site Plan was approved by the Village.

Thank you for your Consideration,

Marsha Leatherwood



Marsha and Allen Leatherwood

1007 El Pueblo Rd. NW

Los Ranchos De Albuquerque, NM 87114

WARRANTY DEED (Joint Tenants)

Carlton C. and Helen Harrington

for consideration paid, grant to Allen and Marsha Leatherwood

whose address is 7909 Derickson Ave. N.E. - Albuquerque, N.M.

and

whose address is

as joint tenants the following described real estate in Bernalillo County, New Mexico:

Tract designated C-2 of the Replat of Tract C of LANDS OF HARRINGTON, Village of Los Ranchos de Albuquerque, as the same is shown and designated on the replat filed in the office of the County Clerk of Bernalillo County, New Mexico, on July 6, 1978.

EXCEPTING therefrom the following:

Beginning at the Northwest corner of the tract herein described, whence the Southeast corner of Tract C-1 of the Replat of Tract C of Lands of Harrington, bears N. 77° 19' 00" W. as distance of 275.88 feet to the Northwest corner and place of beginning; thence, S. 75° 53' 26" E., a distance of 19.19 feet to the Northeast corner; thence, S. 17° 51' 34" W., a distance of 176.93 feet to the Southeast corner; thence, N. 78° 50' 00" W., a distance of 19.28 feet to the Southwest corner; thence, N. 17° 51' 34" E., a distance of 177.92 feet to the Northwest corner and place of beginning.

SUBJECT TO reservations, restrictions, easements of record and Taxes for the year 1979 and subsequent years.

with warranty covenants.

WITNESS hand and seal this 26th day of March, 1979

CC Harrington (Seal) (Seal)

Helen Harrington (Seal) (Seal)

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO

COUNTY OF Bernalillo ss.

The foregoing instrument was acknowledged before me this 26th day of March, 1979, by CC Harrington, Helen Harrington (Name or Names of Person or Persons Acknowledging)

My commission expires: 12/1/80 (Seal)

Almida Saffle
Notary Public

FOR RECORDER'S USE ONLY

ACKNOWLEDGMENT FOR CORPORATION

STATE OF NEW MEXICO

COUNTY OF

The foregoing instrument was acknowledged before me this day of, 19

3314

WARRANTY DEED

VELMA D. WHIPPLE, a widow

2401

for consideration paid, grant S
to CARLTON HARRINGTON and HELEN HARRINGTON, his wife, and
ALLEN LEATHERWOOD and MARSHA LEATHERWOOD, his wife

whose address is 9717 Admiral Emerson, NE, Albuquerque, New Mexico
87111

the following described real estate in Bernalillo County, New Mexico:

A certain tract of land being and comprising the Easterly portion of Tract numbered Thirty-four-a-2 (34-a-2), as shown and designated on the M.R.G.C.D. Property Map No. 25 situate within the Village of Los Ranchos de Albuquerque and being more particularly described as follows: BEGINNING at the Northeast corner of said tract being a point on the South property line of Tract C-2 LANDS OF HARRINGTON, as filed in the office of the County Clerk of Bernalillo County, New Mexico on July 6, 1978, Vol. C-13, folio 142; running thence S. 17 deg. 51'34" E., 177.92 feet to the Southeast corner, and point on the North right-of-way of Pueblo Rd., N.W., thence N. 78 deg. 35'14" W., 241.17 feet along said right-of-way to the Southwest corner; thence leaving said right-of-way N. 11 deg. 26'53" E., 182.58 feet to the Northwest corner; thence S. 77 deg. 19'00" E., 257.10 feet to point of beginning and containing 1.0365 acres, more or less.

Subject to patent reservations, restrictions and easements of record and to taxes for the year 1989 and years thereafter.

Subject to the Lien of the Middle Rio Grande Conservancy District.

with warranty covenants.

WITNESS MY hand and seal this 12th day of January, 1989

Velma D. Whipple (Seal)
VELMA D. WHIPPLE

(Seal)

(Seal)

(Seal)

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO

COUNTY OF Bernalillo } ss.

The foregoing instrument was acknowledged before me this 12th day of January, 1989, by VELMA D. WHIPPLE, a widow

(Name or Names of Person or Persons Acknowledging)

My commission expires: 3/28/90 (Seal)

Celinda Jero
Notary Public

ACKNOWLEDGMENT FOR CORPORATION

STATE OF NEW MEXICO

COUNTY OF } ss.

FOR RECORDER'S USE ONLY

SPECIAL WARRANTY DEED

Marilyn Jacobs and Donna Balduini, Successor Co-Trustees of Trust A of the Carlton Clay Harrington and Helen Jablonski Harrington Trust under agreement dated March 6, 1989, for consideration paid, grant to Allen Florian Leatherwood, a married man as his sole and separate property, whose address is 1007 Pueblo Rd. N. W., Albuquerque, New Mexico 87115, an undivided one-fourth (1/4th) interest in and to the following described real estate in Bernalillo County, New Mexico:

A certain tract of land being and comprising the Easterly portion of Tract numbered Thirty-four-a-2 (34-a-2), as shown and designated on the M.R.G.C.D. Property Map No. 25 situate within the Village of Los Ranchos de Albuquerque and being more particularly described as follows: BEGINNING at the Northeast corner of said tract being a point on the South property line of Tract C-2 LANDS OF HARRINGTON, as filed in the office of the County Clerk of Bernalillo County, New Mexico on July 6, 1978, Vol. C-13, folio 142; running thence S. 17 deg. 51'34" E., 177.92 feet to the Southeast corner, and point on the North right-of-way of Pueblo Rd., NW, thence N. 78 deg 35' 14" W., 241.17 feet along said right-of-way to the Southwest corner; thence leaving said right-of-way N. 11 deg. 26'53" E., 182.58 feet to the Northwest corner; thence S. 77 deg. 19'00" E., 257.10 feet to point of beginning and containing 1.0365 acres, more or less.

SUBJECT TO all reservations, restrictions, covenants and easements of record and taxes.

SUBJECT TO any and all rights, liens, claims or equities in favor of the Middle Rio Grande Conservancy District.

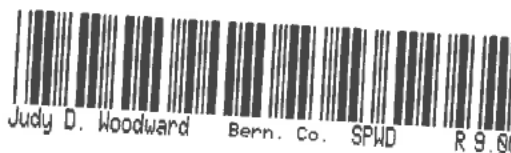
with special warranty covenants.

WITNESS our hands and seal this 8th day of March, 1999.

Trust A of the Carlton Clay Harrington and Helen Jablonski Harrington Trust under agreement dated March 6, 1989

By: Marilyn Jacobs
Marilyn Jacobs, Successor Co-Trustee

By: Donna Balduini
Donna Balduini, Successor Co-Trustee

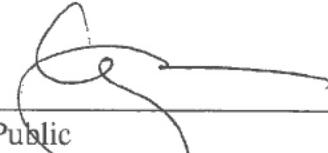


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Page: 1 of 2
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ACKNOWLEDGMENT

STATE OF TEXAS)
) ss.
COUNTY OF Dallas)

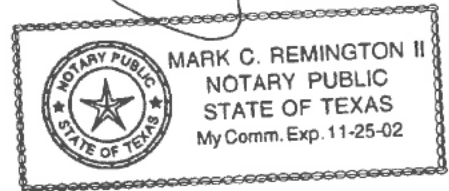
The foregoing instrument was acknowledged before me this 5th day of March, 1999 by Marilyn Jacobs, Successor Co-Trustee of Trust A of the Carlton Clay Harrington and Helen Jablonski Harrington Revocable Living Trust under agreement dated March 6, 1989, on behalf of the Trust.



Notary Public

My commission expires:

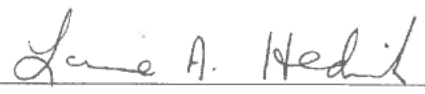
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ACKNOWLEDGMENT

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

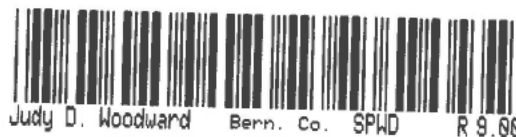
The foregoing instrument was acknowledged before me this 8th day of March, 1999 by Donna Balduini, Successor Co-Trustee of Trust A of the Carlton Clay Harrington and Helen Jablonski Harrington Revocable Living Trust under agreement dated March 6, 1989, on behalf of the Trust.



Notary Public

My commission expires:

9/22/2001



Judy D. Woodward Bern. Co. SPWD R 9.00

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Page: 2 of 2
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SPECIAL WARRANTY DEED

Allen Florian Leatherwood, a married man for consideration paid, grants to Allen Florian Leatherwood and Marsha J. Leatherwood, husband and wife as joint tenants whose address is whose address is 1007 Pueblo Rd. N. W., Albuquerque, New Mexico 87115, an undivided one-half (1/2) interest in and to the following described real estate in Bernalillo County, New Mexico:

A certain tract of land being and comprising the Easterly portion of Tract numbered Thirty-four-a-2 (34-a-2), as shown and designated on the M.R.G.C.D. Property Map No. 25 situate within the Village of Los Ranchos de Albuquerque and being more particularly described as follows: BEGINNING at the Northeast corner of said tract being a point on the South property line of Tract C-2 LANDS OF HARRINGTON, as filed in the office of the County Clerk of Bernalillo County, New Mexico on July 6, 1978, Vol. C-13, folio 142; running thence S. 17 deg. 51'34" E., 177.92 feet to the Southeast corner, and point on the North right-of-way of Pueblo Rd., NW, thence N. 78 deg 35' 14" W., 241.17 feet along said right-of-way to the Southwest corner; thence leaving said right-of-way N. 11 deg. 26'53" E., 182.58 feet to the Northwest corner; thence S. 77 deg. 19'00" E., 257.10 feet to point of beginning and containing 1.0365 acres, more or less.

SUBJECT TO all reservations, restrictions, covenants and easements of record and taxes.

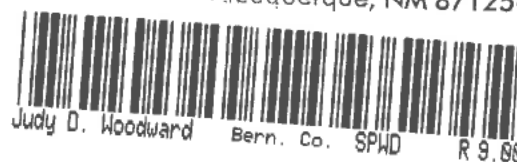
SUBJECT TO any and all rights, liens, claims or equities in favor of the Middle Rio Grande Conservancy District.

with special warranty covenants.

WITNESS our hands and seal this 27 day of September, 1999.


Allen Florian Leatherwood

DOUGHERTY and HEDRICH
ATTORNEYS AT LAW
P.O. Box 25151
Albuquerque, NM 87125-0151



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5285112
Page: 1 of 2
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ACKNOWLEDGMENT FOR NATURAL PERSON

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

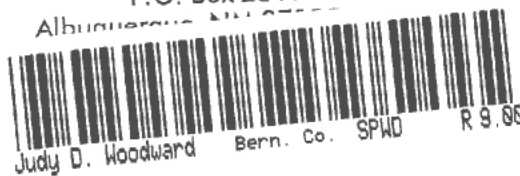
The foregoing instrument was acknowledged before me this 27 day of September, 1999 by Allen Florian Leatherwood.

Luis A. Hedrich
Notary Public

My commission expires:

9/22/2001

DOUGHERTY and HEDRICH
ATTORNEYS AT LAW
P.O. Box 25151
Albuquerque, NM 87125



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Page: 2 of 2
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PARCEL ID: [REDACTED]

LOCATION and LEGAL DESCRIPTION:

1007 EL PUEBLO RD NW

LT D PLAT OF TRS D & E LANDS OF LEATHERWOOD & WHIPPLE (BEING
A REPL OF TR C-2 LANDS OF HARRINGTON & TR 34-A-2 MRGCD MAP
25) CONT 3.0365 AC

LEATHERWOOD ALLEN F ETUX

1007 EL PUEBLO RD NW

LOS RANCHOS DE ALBUQUERQUE NM 87114-1202

**2022 Property
Tax Summary
NANCY M. BEARCE
TREASURER
BERNALILLO COUNTY
415 SILVER SW 87102
ALBUQUERQUE, NM
(505) 468-7031**

http://www.berncounty.gov/treasurer
e-mail: treasurers@berncounty.gov

Today's date: 7/24/2023 12:13 PM

Tax and Payment History

Tax Year	Valuation Class	Tax District	Tax Rate	Assessor's Net Taxable Value	Tax Due	Int	Pen	Fees	Paid	Amount Due
2022	RES	L1AM	[REDACTED]	[REDACTED]	[REDACTED]	0.00	0.00	0.00	[REDACTED]	0.00
2021	RES	L1AM	[REDACTED]	[REDACTED]	[REDACTED]	0.00	0.00	0.00	[REDACTED]	0.00
2020	RES	L1AM	[REDACTED]	[REDACTED]	[REDACTED]	0.00	0.00	0.00	[REDACTED]	0.00
2019	RES	L1AM	[REDACTED]	[REDACTED]	[REDACTED]	0.00	0.00	0.00	[REDACTED]	0.00
2018	RES	L1AM	[REDACTED]	[REDACTED]	[REDACTED]	0.00	0.00	0.00	[REDACTED]	0.00
2017	RES	L1AM	[REDACTED]	[REDACTED]	[REDACTED]	0.00	0.00	0.00	[REDACTED]	0.00
2016	RES	L1AM	[REDACTED]	[REDACTED]	[REDACTED]	0.00	0.00	0.00	[REDACTED]	0.00
2015	RES	L1AM	[REDACTED]	[REDACTED]	[REDACTED]	0.00	0.00	0.00	[REDACTED]	0.00
2014	RES	L1AM	[REDACTED]	[REDACTED]	[REDACTED]	0.00	0.00	0.00	[REDACTED]	0.00
2013	RES	L1AM	[REDACTED]	[REDACTED]	[REDACTED]	0.00	0.00	0.00	[REDACTED]	0.00
1st half due					[REDACTED]	0.00	0.00	0.00	[REDACTED]	0.00
2nd half due					[REDACTED]	0.00	0.00	0.00	[REDACTED]	0.00
Total Due					[REDACTED]	0.00	0.00	0.00	[REDACTED]	0.00

Assessor's current valuation exemption(s)

Head of Household	0.00
Veteran	0.00
Other	0.00

Monthly Payment Program Balance:	0.00
Pre-payment Balance:	0.00
Total Due:	0.00

Tax bills are mailed November 1 of every year as required by state law. Taxes are due in two equal installments. The first half payment is due November 10 and must be paid by December 10 to avoid delinquency charges. Second half payments are due by April 10 of the following calendar year and must be made by May 10 to avoid delinquency charges.

PRINT THIS PARCEL NO.
ON YOUR CHECK

LEATHERWOOD ALLEN F ETUX

PAYMENT COUPON

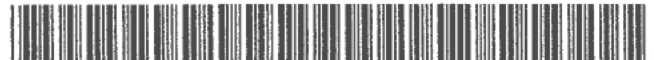
PLEASE MAKE YOUR CHECK PAYABLE TO
THE BERNALILLO COUNTY TREASURER AND
MAIL TO :

1st half due	0.00
2nd half due	0.00
Total Due	0.00

BERNALILLO COUNTY TREASURER

PO BOX 27800

ALBUQUERQUE, NM 87103-0627



AMOUNT ENCLOSED \$ _____

PARID: [REDACTED]
LEATHERWOOD ALLEN F ETUX,

1007 EL PUEBLO RD

Class

Class Residential
Tax District L1AM

Current Owner

Tax Year 2023
Owner LEATHERWOOD ALLEN F ETUX
Owner Mailing Address 1007 EL PUEBLO RD NW
Unit
City LOS RANCHOS DE ALBUQUERQUE
State NM
Zip Code 87114 1202
Other Mailing Address

Ownership for Tax Year Selected

Tax Year 2023
Owner Name LEATHERWOOD ALLEN F ETUX
Owner Mailing Address 1007 EL PUEBLO RD NW
Unit
City LOS RANCHOS DE ALBUQUERQUE
State NM
Zip Code 87114 1202
Other Mailing Address

Description

Location Address 1007 EL PUEBLO RD NW
City LOS RANCHOS DE ALBUQUERQUE
State NM
Zip Code 87114
Property Description LT D PLAT OF TRS D & E LANDS OF LEATHERWOOD & WHIPPLE (BEING A REPL OF TR C-2 LANDS OF HARRINGTON & TR 34-A-2 MRGCD MAP
Public Improvement District
Tax Increment Development Districts

Document #

Document #:

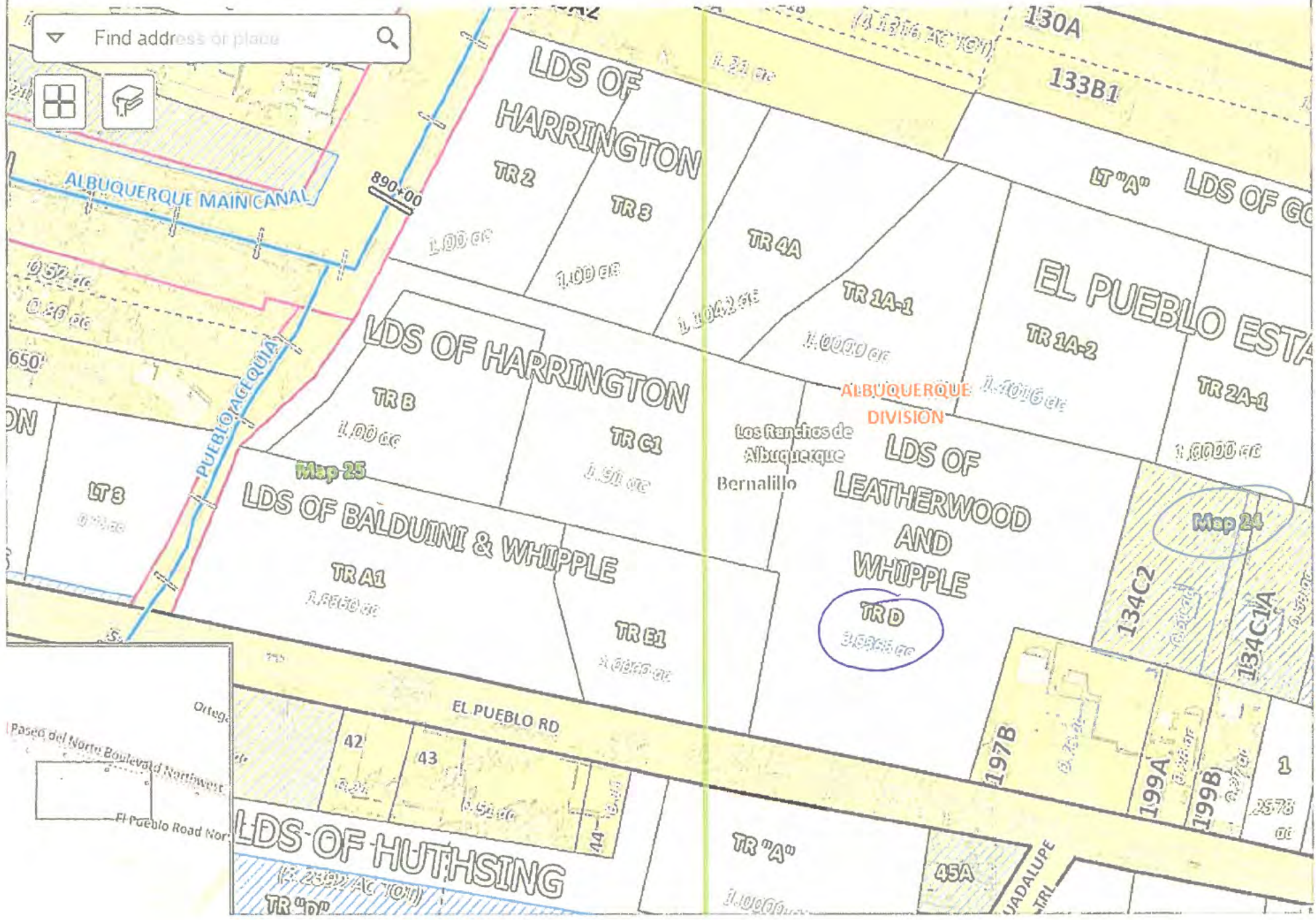
Real Property Attributes

Primary Building SQ FT 2676
Year Built 1992
Lot Size (Acres) 3.0365
Land Use Code RESIDENTIAL IMPROVED
Style STANDARD

Printed July 2023

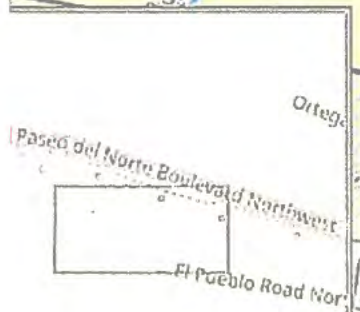
MRGCD Data Viewer

Find address or place



Map 25

Map 24



LDS OF HUTHSING TR 900

TR "A"

45A

JADALUPE

241-410

S.P. 6-78-1015

This shows original property lines before 1989 subdivision

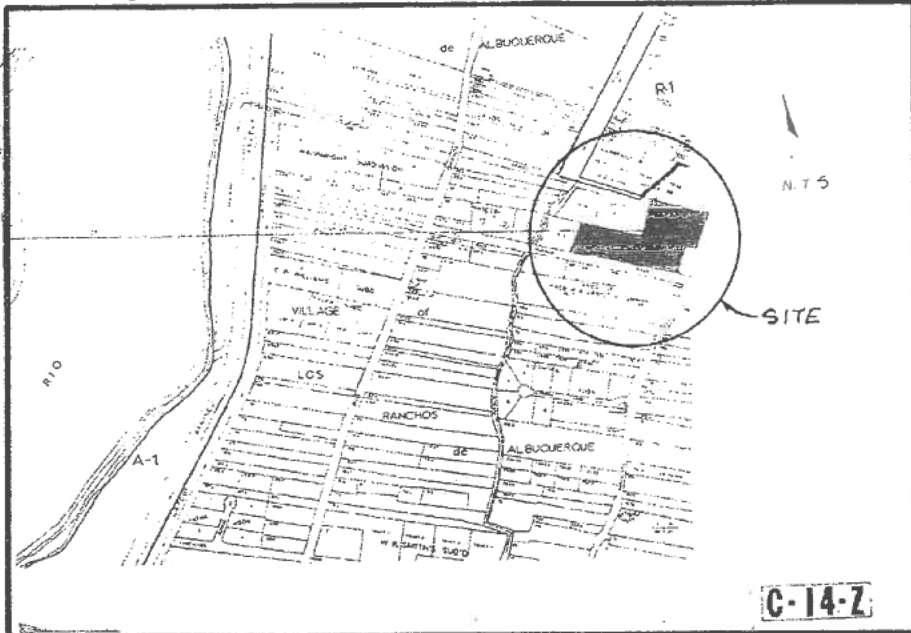
Brass Cap monument
Corps of Engineers
N.M. State Plane Co-ord.
X = 382,597.87
Y = 1,521,550.98



Tract C-2
2,000 ac.

0365 ac





892779
 PLAT OF
 TRACTS D & E
 LANDS OF LEATHERWOOD AND WHIPPLE
 BEING A REPLAT OF TRACT C-2, LANDS OF HARRINGTON,
 AND TRACT 34-a-2, M.R.G.C.D. MAP 25
 WITHIN THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE
 BERNALILLO COUNTY, NEW MEXICO
 DECEMBER 1988

LEGAL DESCRIPTION

A certain tract of land being and comprising Tract C-2 replat of Tract C, LANDS OF HARRINGTON, Village of Los Ranchos de Albuquerque as the same is shown and designated on said replat thereof filed in the office of the County Clerk of Bernalillo County, New Mexico on July 6, 1978, Vol. C-13, folio 142, TOGETHER WITH Tract 34-a-2 of the M.R.G.C.D. Property Map No. 25, being more particularly described as follows: Beginning at the Northeast corner of said tract being the Northeast corner of said Tract C2 thence, S. 16 deg. 19'03" W., 215.27 feet to a point, thence, N. 75 deg. 53'26" W., 91.16 feet to a point, thence, S. 17 deg. 51'34" W., 176.93 feet to the Southeast corner and point on North right-of-way of El Pueblo Road N.W., thence along said right-of-way N. 78 deg. 50'00" W., 19.28 feet to a point; thence, N. 78 deg. 35'14" W., 698.75 feet to the Southwest corner, thence leaving said right-of-way N. 23 deg. 13'00" E., 195.99 feet to a point; thence, S. 77 deg. 19'00" E., 402.92 feet to a point, thence N. 12 deg. 41'00" E., 213.08 feet to the Northwest corner, thence S. 77 deg. 10'31" E., 399.84 feet to point of beginning and containing 4.9193 acres more or less.

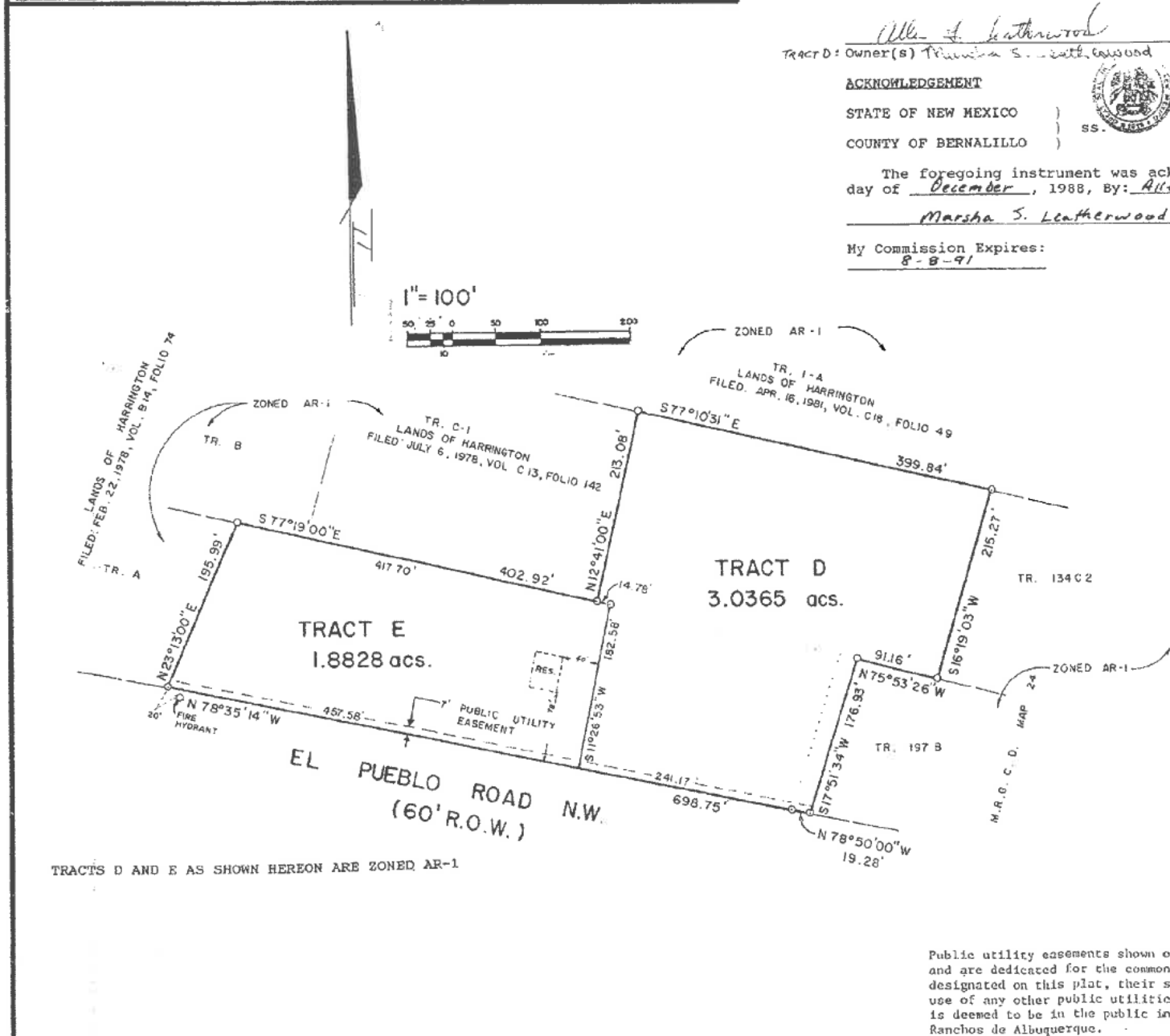
DEDICATION

Platting as shown hereon and comprising Tracts D and E, LANDS OF LEATHERWOOD AND WHIPPLE, Bernalillo County, New Mexico, as shown hereon, is with the free consent of and in accordance with the wishes and desires of the undersigned owners and proprietors thereof.

NOTES:

- 1) Subdividers are Leatherwood and Whipple.
- 2) Agent: Southwest Surveying Co., Inc.
- 3) Total area of platted property = 4.9193 acres more or less.
- 4) No further divisions of Lots D and E shall take place without submittal to/approval of the Village Board.
- 5) Corners set are 1/2" rebar with plastic cap stamped "LS 6446".
- 6) Basis of Bearings = Tract C-2, LANDS OF HARRINGTON, filed July 6, 1978.
- 7) The zoning for lots shown and adjacent lot is R-1, unless otherwise indicated.

JAN 12 1989
 C38
 61



TRACT D: Owner(s) Marsha S. Leatherwood Date 12/14/88
 ACKNOWLEDGEMENT
 STATE OF NEW MEXICO)
 COUNTY OF BERNALILLO) SS. DANIEL M. GRANAY
 Notary Public State of New Mexico
 My Commission Expires: 8-8-91

The foregoing instrument was acknowledged before me this 14th day of December, 1988, By: Marsha S. Leatherwood
Daniel M. Granay
 Notary Public

TRACT E: Owner(s) Velma D. Whipple Date 12/14/88
 ACKNOWLEDGEMENT
 STATE OF NEW MEXICO)
 COUNTY OF BERNALILLO) SS. DANIEL M. GRANAY
 Notary Public State of New Mexico
 My Commission Expires: 8-8-91

The foregoing instrument was acknowledged before me this 14th day of December, 1988, By: VELMA D. WHIPPLE
Daniel M. Granay
 Notary Public

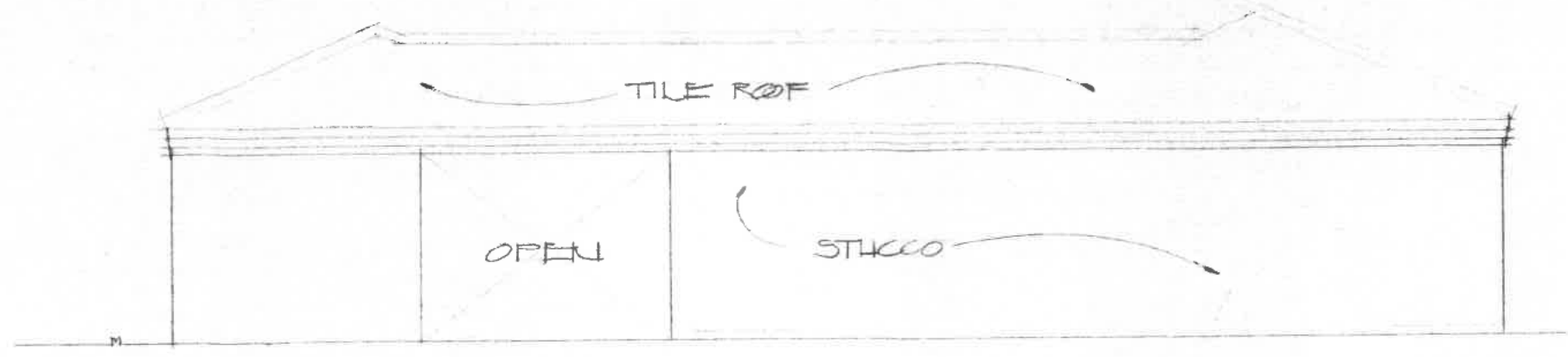
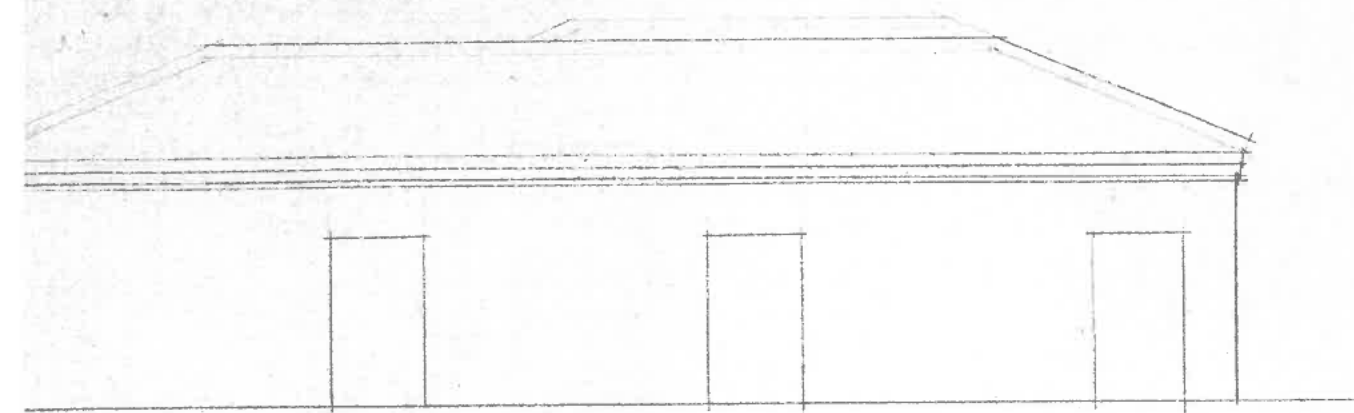
APPROVALS:
 Village of Los Ranchos de Albuquerque
Alfredo Ramirez Mayor Date 1/11/89
Lynn Mallory Village Clerk Date 1/11/89
 APPROVALS:
Bob Murray Public Service Co. of N.M. Date 12/28/88
Greg Hunt Mountain View Date 12-28-88
Joe Dunlap Gas Co. of N.M. Date 12-27-88

SURVEYOR'S CERTIFICATE
 I, Franklin E. Wilson, licensed under the laws of the State of New Mexico, do hereby certify that this plat was prepared by me or under my direction from notes of an actual field survey, and is true and correct to the best of my knowledge and belief.

This certificate was prepared at Albuquerque, New Mexico on this 14th day of December, 1988.
Franklin E. Wilson
 Franklin E. Wilson, New Mexico Licensed Surveyor No. 6446
 SOUTHWEST SURVEYING CO. INC. 333 Lomas NE, Albuquerque, NM 87102
 (505) 247-4444

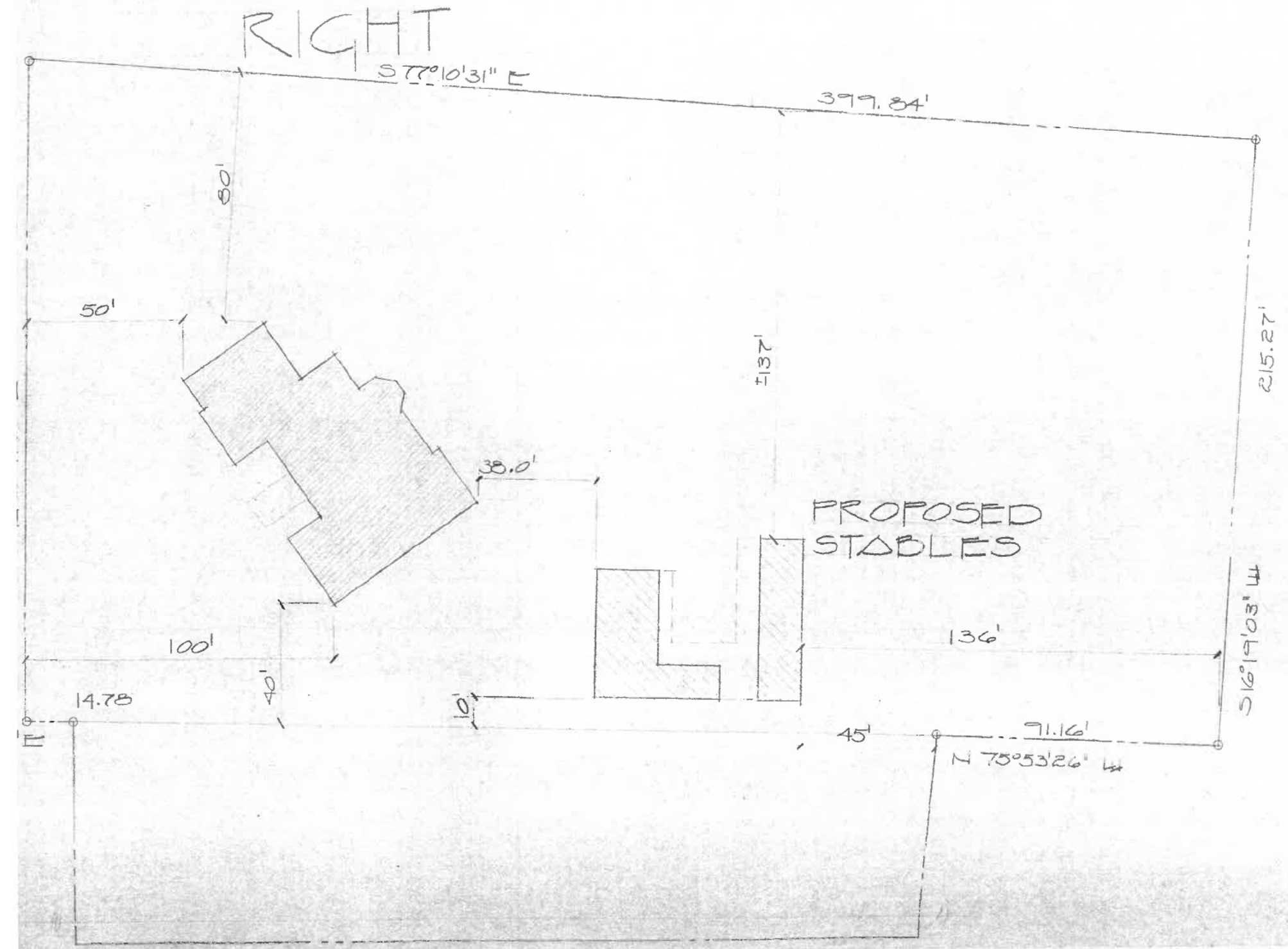
ACKNOWLEDGEMENT
 STATE OF NEW MEXICO)
 COUNTY OF BERNALILLO) SS. DANIEL M. GRANAY
 Notary Public State of New Mexico
 The foregoing instrument was acknowledged before me this 16th day of December, 1988, BY: FRANKLIN E. WILSON
 My Commission Expires: 8-8-91
Daniel M. Granay
 Notary Public

Public utility easements shown on this plat are not exclusive and are dedicated for the common and joint use of the utilities designated on this plat, their successor and assigns, and for the use of any other public utilities whose use of said easements is deemed to be in the public interest by the Village of Los Ranchos de Albuquerque.



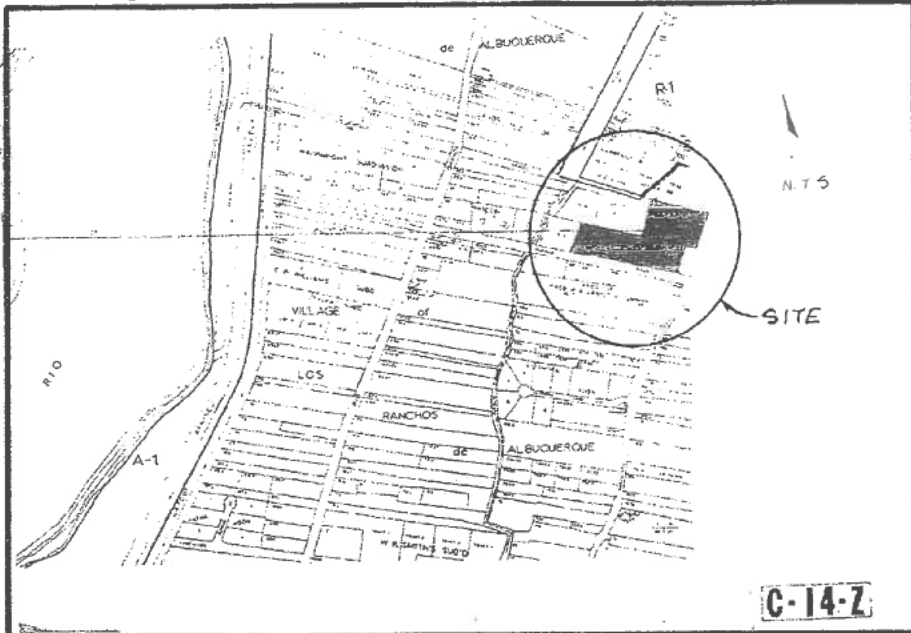
RIGHT

REAR



SITE PLAN 1"=40.0'

TRACT D, LANDS OF LEATHERWOOD BEING
 A REPLAT OF TRACT C-2, LANDS OF HARRING
 AND TRACT 34-2-2, M.R.G.C.D. MAP 25,
 LOS RANCHOS DE ALBUQUERQUE



892779
 PLAT OF
 TRACTS D & E
 LANDS OF LEATHERWOOD AND WHIPPLE
 BEING A REPLAT OF TRACT C-2, LANDS OF HARRINGTON,
 AND TRACT 34-a-2, M.R.G.C.D. MAP 25
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 BERNALILLO COUNTY, NEW MEXICO
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DEDICATION

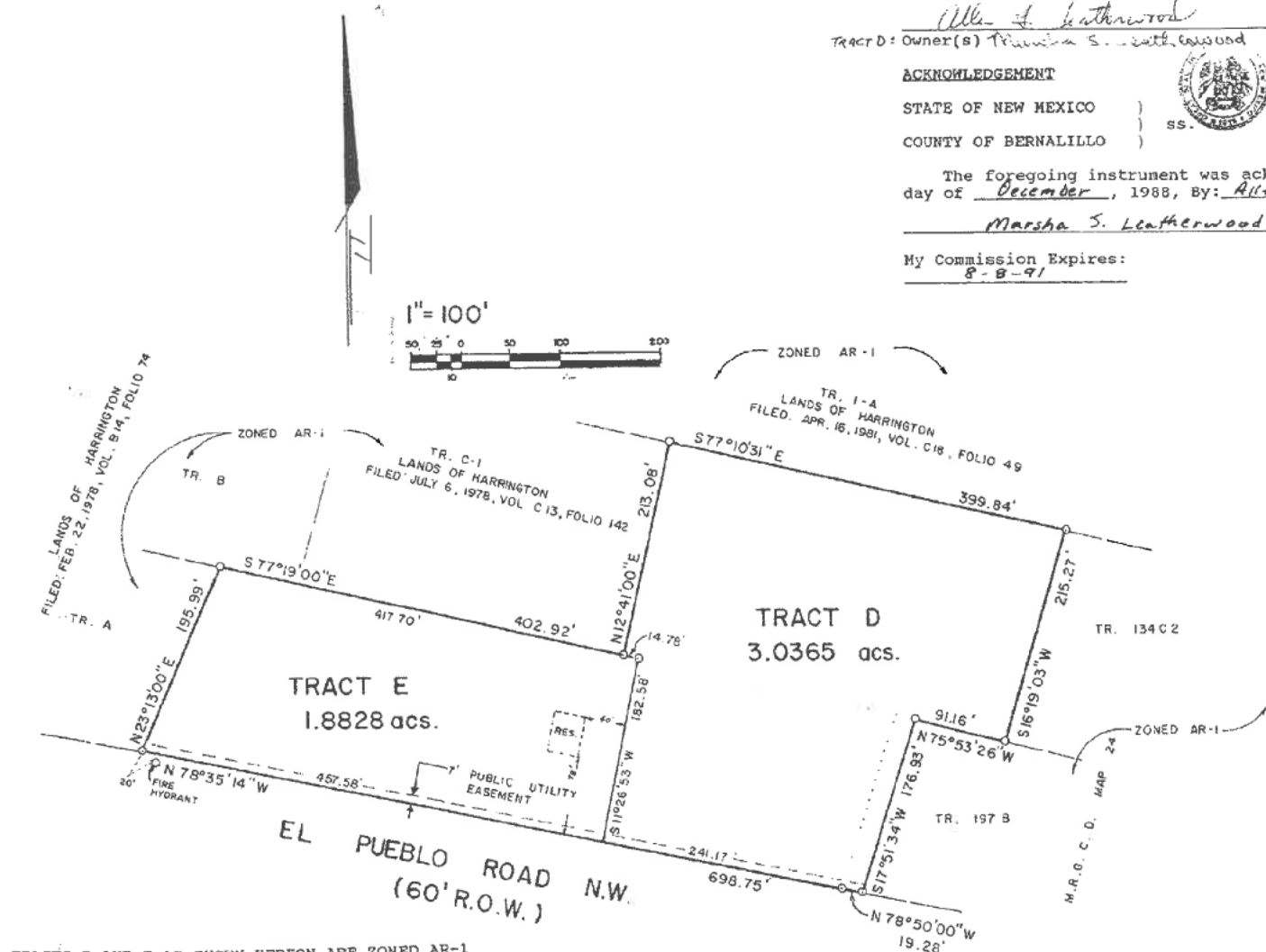
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JAN 12 1989
 C38
 61

TRACT D: Owner(s) <u>Marsha S. Leatherwood</u> Date <u>12/14/88</u>	TRACT E: Owner(s) <u>Velma D. Whipple</u> Date <u>12/14/88</u>
ACKNOWLEDGEMENT STATE OF NEW MEXICO) COUNTY OF BERNALILLO) SS. <u>DANIEL M. GRANAY</u> Notary Public State of New Mexico Notary Bond Filed with Secretary of State	ACKNOWLEDGEMENT STATE OF NEW MEXICO) COUNTY OF BERNALILLO) SS. <u>DANIEL M. GRANAY</u> Notary Public State of New Mexico Notary Bond Filed with Secretary of State
The foregoing instrument was acknowledged before me this <u>14th</u> day of <u>December</u> , 1988, By: <u>Marsha S. Leatherwood</u>	The foregoing instrument was acknowledged before me this <u>14th</u> day of <u>December</u> , 1988, By: <u>VELMA D. WHIPPLE</u>
My Commission Expires: <u>8-8-91</u> <u>Daniel M. Granay</u> Notary Public	My Commission Expires: <u>8-8-91</u> <u>Daniel M. Granay</u> Notary Public



TRACTS D AND E AS SHOWN HEREON ARE ZONED AR-1

Public utility easements shown on this plat are not exclusive and are dedicated for the common and joint use of the utilities designated on this plat, their successor and assigns, and for the use of any other public utilities whose use of said easements is deemed to be in the public interest by the Village of Los Ranchos de Albuquerque.

APPROVALS:

Village of Los Ranchos de Albuquerque
Alfredo Ramirez Mayor Date 1/11/89
Lynn Mallory Village Clerk Date 1/11/89

APPROVALS:

Bl. Murr Date 12/28/88
Greg Hunt Date 12-28-88
Joe Dunlap Date 12-27-88
 Gas Co. of N.M.

SURVEYOR'S CERTIFICATE

I, Franklin E. Wilson, licensed under the laws of the State of New Mexico, do hereby certify that this plat was prepared by me or under my direction from notes of an actual field survey, and is true and correct to the best of my knowledge and belief.

This certificate was prepared at Albuquerque, New Mexico on this 14th day of December, 1988.

Franklin E. Wilson
 Franklin E. Wilson, New Mexico Licensed Surveyor No. 6446
 SOUTHWEST SURVEYING CO. INC. 333 Lomas NE, Albuquerque, NM 87102
 (505) 247-4444

ACKNOWLEDGEMENT
 STATE OF NEW MEXICO)
 COUNTY OF BERNALILLO) SS. DANIEL M. GRANAY
 Notary Public State of New Mexico
 Notary Bond Filed with Secretary of State

The foregoing instrument was acknowledged before me this 16th day of December, 1988, BY: FRANKLIN E. WILSON

My Commission Expires: 8-8-91
Daniel M. Granay
 Notary Public.



ABOVE

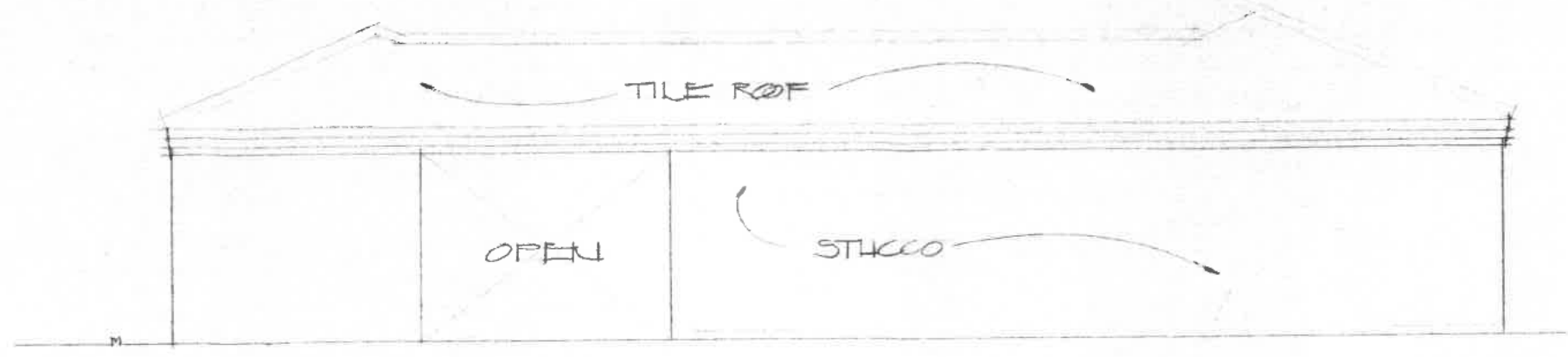
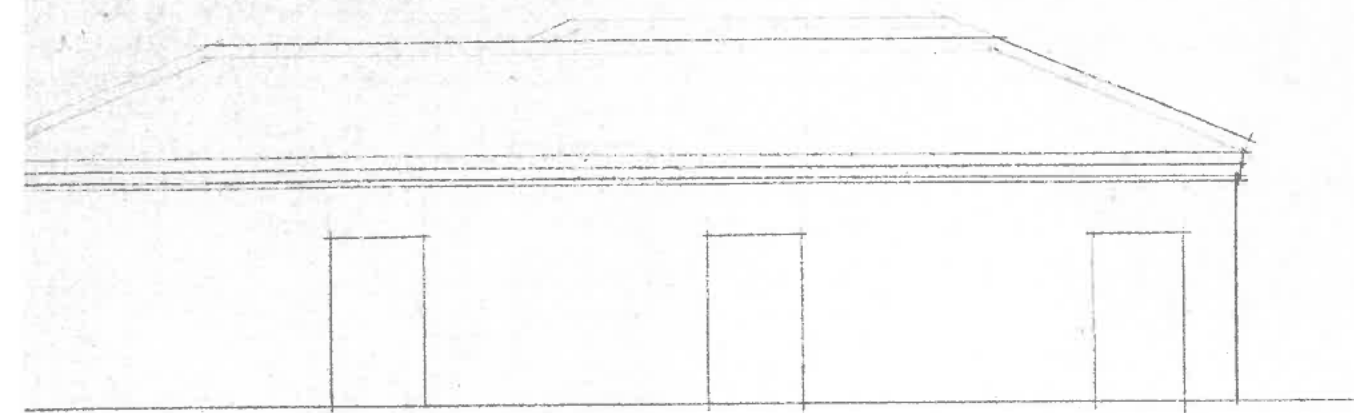


SITE PLAN 1"=40.0'

TRACT D, LANDS OF LEATHERWOOD BEING
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 AND TRACT 34-2-2, M. R.G.C.D. MAP 25,
 LOS RANCHOS DE ALBUQUERQUE

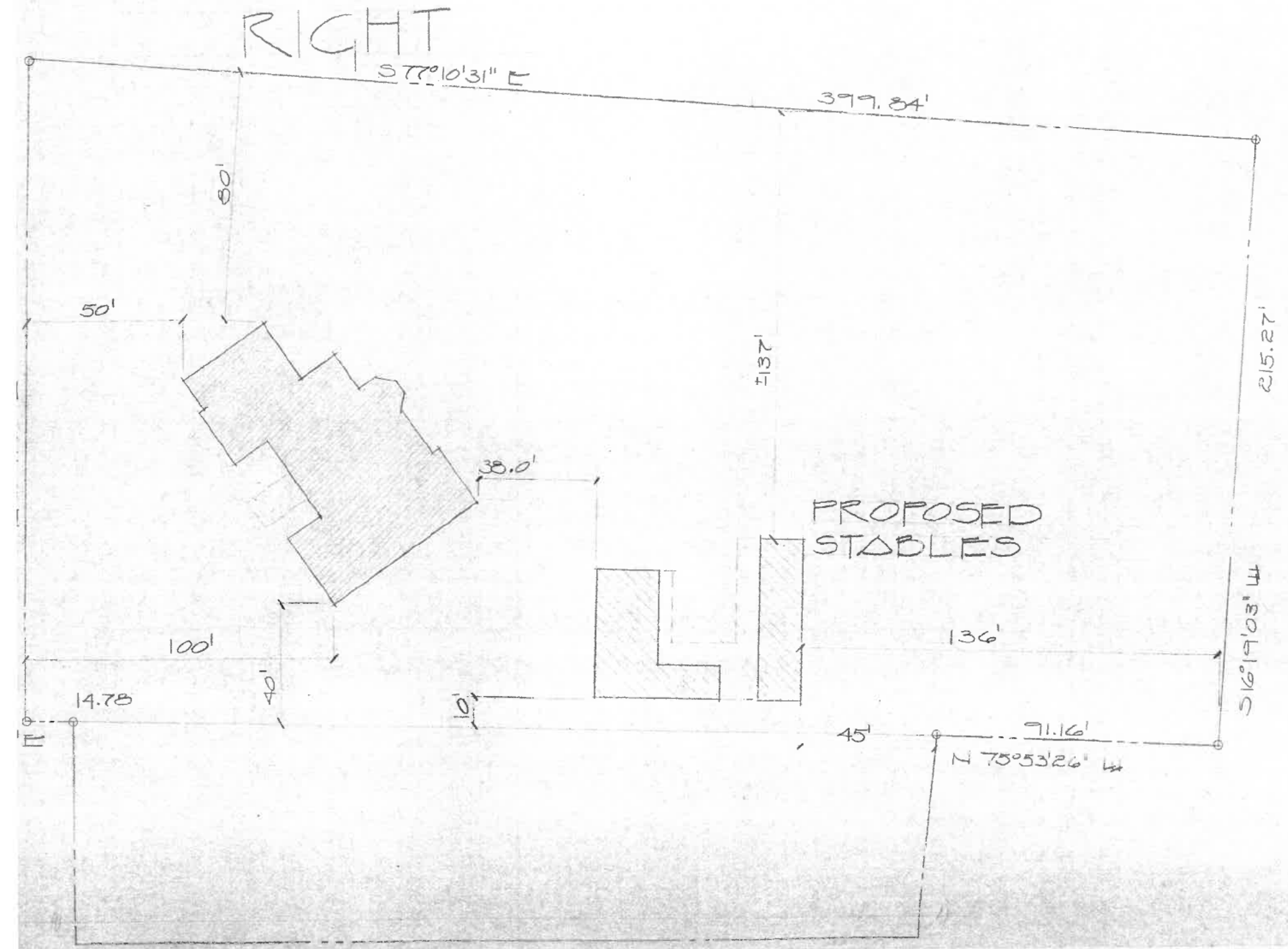
Handwritten notes and signatures in the upper right corner, including dates like "12/19/98" and "12/15/98".

Handwritten note: "175.00' W"



RIGHT

REAR



SITE PLAN 1"=40.0'

TRACT D, LANDS OF LEATHERWOOD BEING
 A REPLAT OF TRACT C-2, LANDS OF HARRING
 AND TRACT 34-2-2, M.R.G.C.D. MAP 25,
 LOS RANCHOS DE ALBUQUERQUE

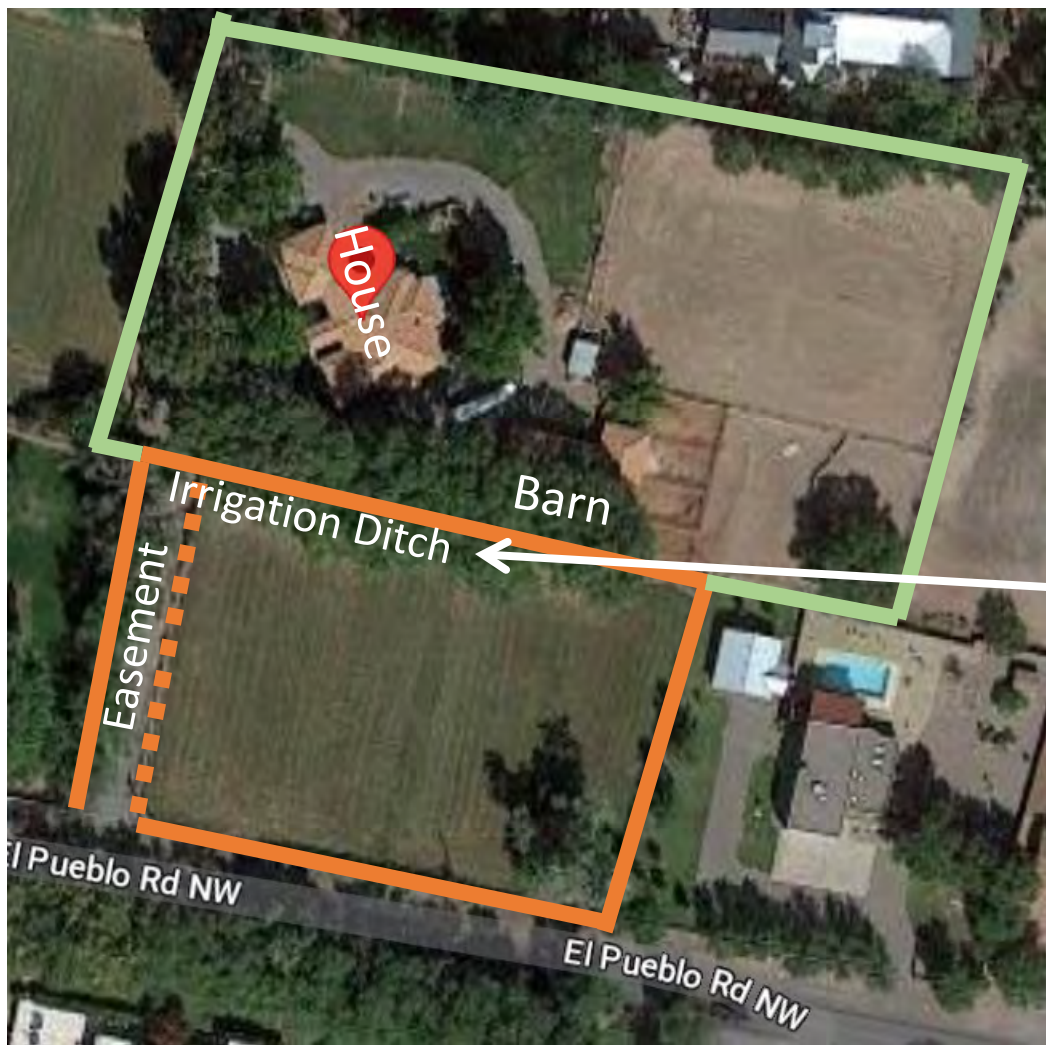
Variance Application for 1007 El Pueblo Rd. NW

We would like to subdivide our 3.0365-acre lot (Tract D in MRGCD Map # 24) into a 2-acre lot and 1.0365-acre lot. These two lots were combined in January 1989, and we would like to re-subdivide into two lots along the original property line. There is an existing barn on the 2-acre lot that sits 10 feet from the proposed property line separation.

We request a variance from the A-1 Zone Side Setback Requirement 9.2.7(E)(2)(a.)2., which requires a 15-foot setback utilizing Hardship Criteria 5.

- When we built the barn in 1990, it was our understanding that the side setback requirement was 10 feet.
- We believe if the setback is denied, the property could still be subdivided as the 1.0365-acre lot size would be reduced but still slightly greater than one acre. However, we believe a variance is a preferred solution because:
 - There is an existing metal pipe fence along the original property line.
 - Maintaining the original property line would preserve a nice consistent straight line with the adjacent property lines.
 - There is currently a small irrigation ditch residing on the 1.0365-acre lot which is planted in pasture grass. If the variance is denied, this ditch would be split between properties with nearly 100% of the water carrying component of the ditch “moved” to the property that doesn’t irrigate.
 - The 1.0365-acre lot is already ceding acreage to a road easement to the back 2-acre lot. It would be a shame to lose more acreage to meet the 15-foot setback.

Property outlined in green is 2 acres. Property outlined in orange is 1.0365 acres. Irrigation ditch is within boundary of property outlined in orange. White pipe fence is on original property line before two properties were combined. Barn on 2-acre property is 10 feet from fence.



View of side of house and barn from El Pueblo

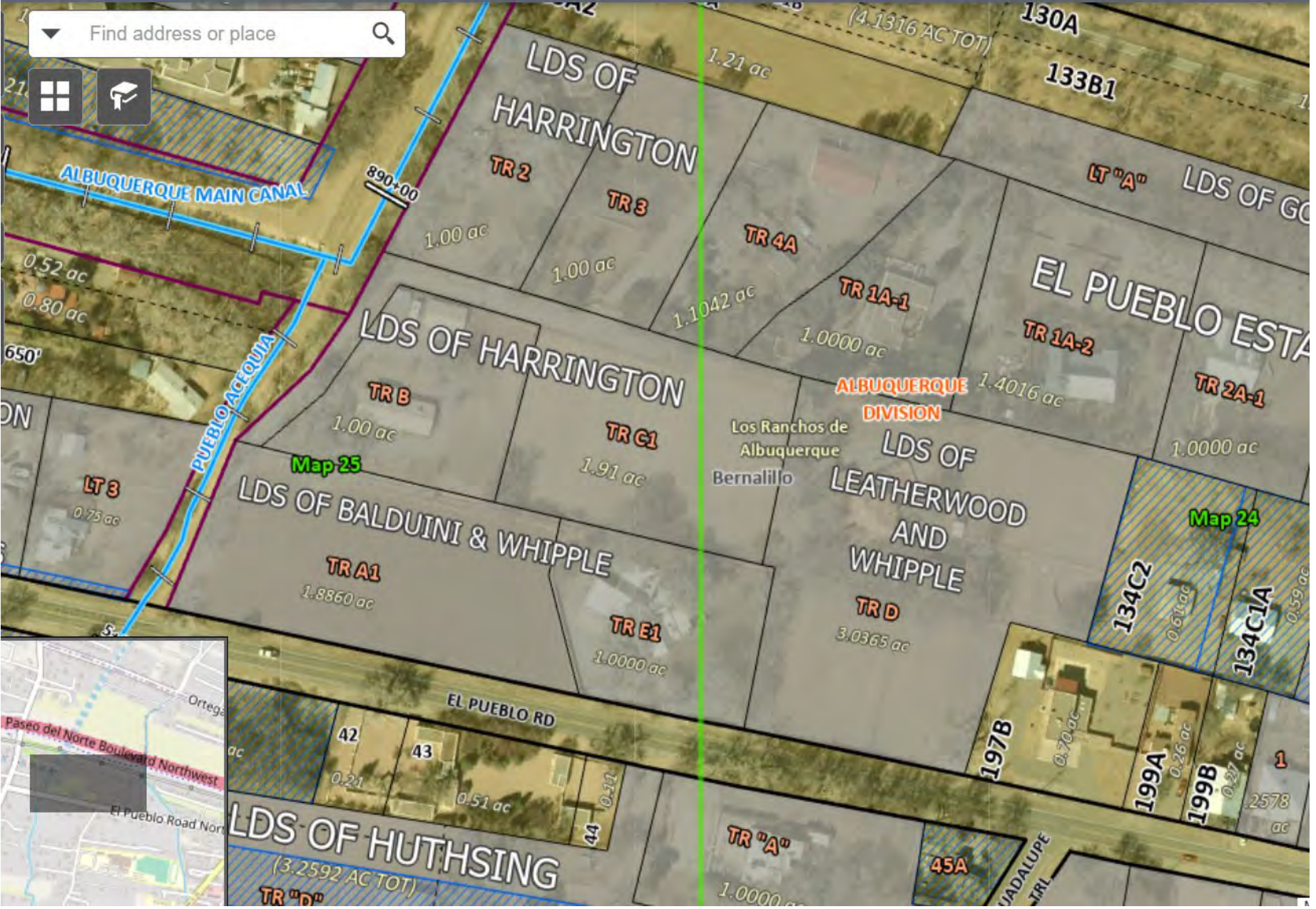


View of front and side of barn.
Stucco and tile roof matching house.



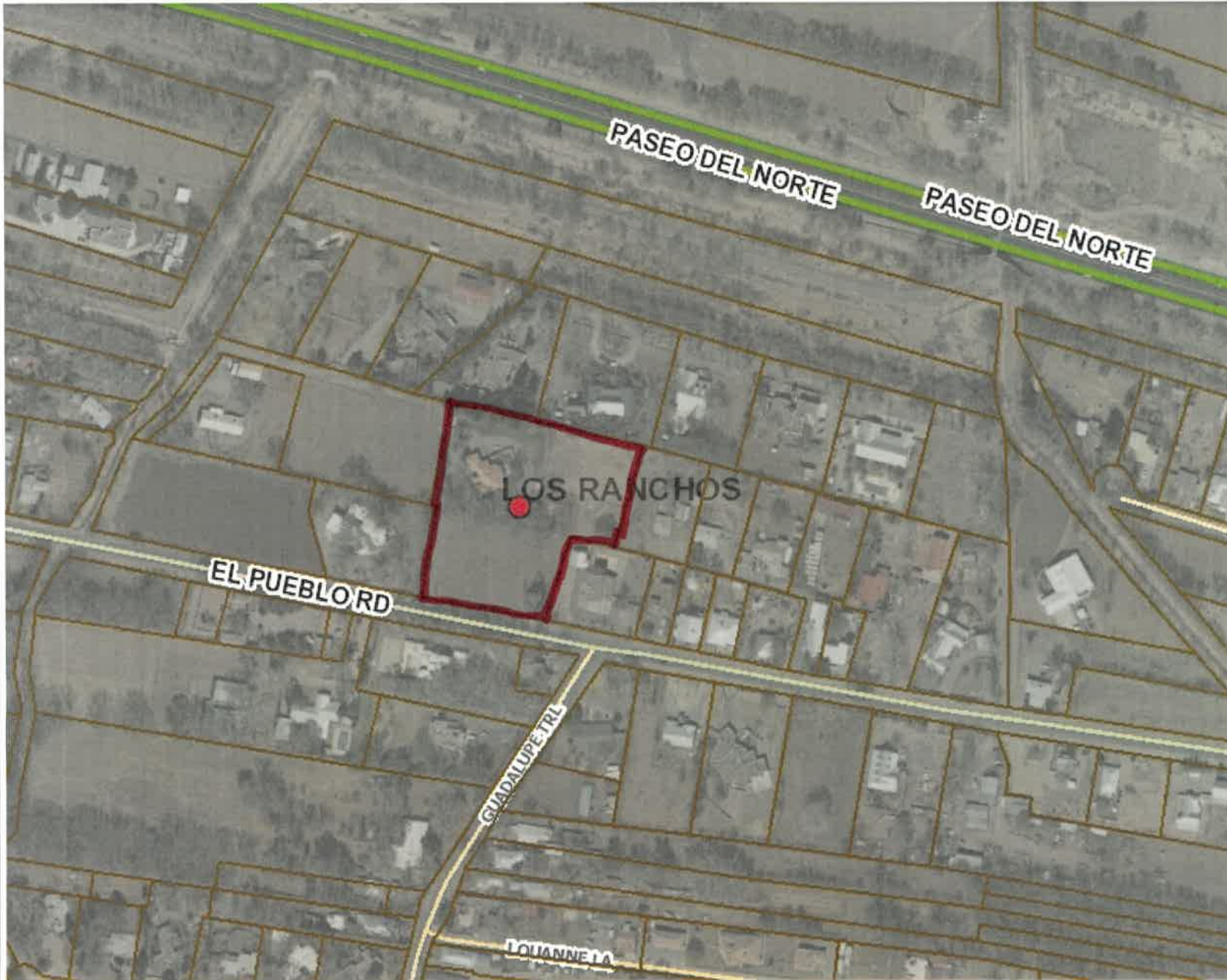
MRGCD Data Viewer

Find address or place





1007 El Pueblo NW



Legend

- Bernalillo County Parcels
- Primary Streets**
 - Freeway
 - Principal Arterial
 - Minor Arterial
 - Local Streets
- BN and SF Railroad
- Other Streets**
- Municipal Limits**
 - Corrales
 - Edgewood
 - Los Ranchos
 - Rio Rancho
 - Tijeras
 - UNINCORPORATED

Notes

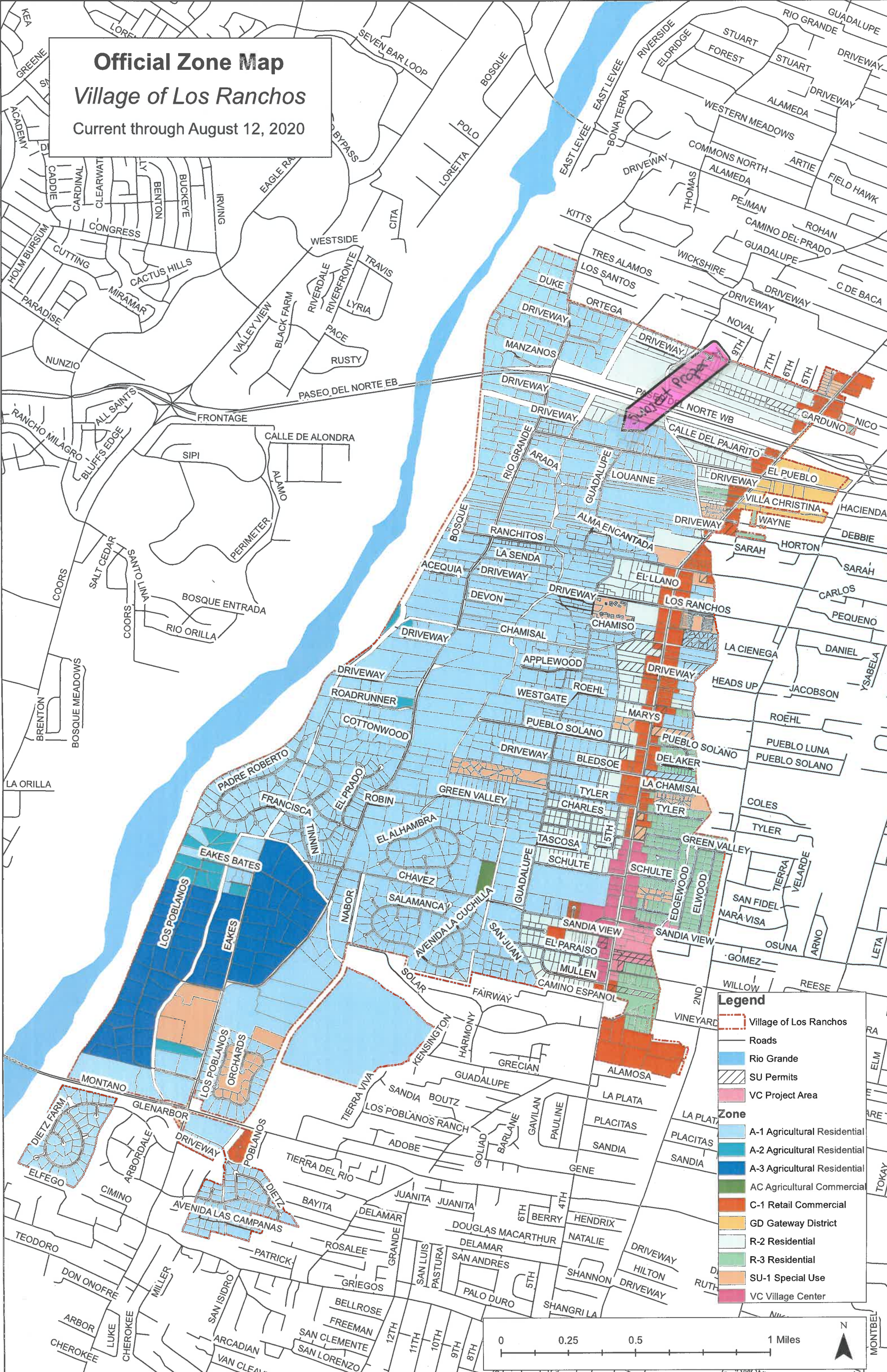
Ortho Map

601 0 300 601 Feet

Official Zone Map

Village of Los Ranchos

Current through August 12, 2020



Legend

- Village of Los Ranchos
- Roads
- Rio Grande
- SU Permits
- VC Project Area

Zone

- A-1 Agricultural Residential
- A-2 Agricultural Residential
- A-3 Agricultural Residential
- AC Agricultural Commercial
- C-1 Retail Commercial
- GD Gateway District
- R-2 Residential
- R-3 Residential
- SU-1 Special Use
- VC Village Center



B. V 23-07; A request by Eric Huetter for a Variance from §9.2.11(E)(2)(a) requiring a 10' side setback and 15' rear setback in the R-3 Zone in the 4th Street Character Area. The property is zoned R-3, and is located at 334 Pueblo Solano, NW, Los Ranchos NM 87107. It is legally known as Lot numbered Thirty-six of the VALRICA ADDITION, a subdivision of a tract of land in School District Number 22, Bernalillo County, New Mexico, as the same is shown and designated on the map of said addition filed in the office of the County Clerk of Bernalillo County, New Mexico on January 19, 1946.

PLANNING AND ZONING COMMISSION
PLANNING REPORT

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

DATE ISSUED: September 12, 2023

REPORT NO. PZ-23-29

File: V-23-07

ISSUED BY: Planning and Zoning Department

SUBJECT: A request for a Variance from §9.2.11(E)(2)(a) requiring a 10' side setback and 15' rear setback in the R-3 Zone in the 4th Street Character Area.

APPLICANT: Eric Huetter

LOCATION AND LEGAL:

The property is located at 334 Pueblo Solano Rd, NW, legally know as Lot numbered Thirty-six of the VALRICA ADDITION, a subdivision of a tract of land in School District Number 22, Bernalillo County, New Mexico, as the same is shown and designated on the map of said addition filed in the office of the County Clerk of Bernalillo County, New Mexico on January 19, 1946.

PROJECT:

The applicant is requesting a variance of 5 feet to the 10-foot side setback and 5 feet to the 15-foot rear setback requirements in the R-3 Zone.

SURROUNDING LAND USES:

The surrounding properties are all zoned R-3 and are in the 4th Street Character Area.

RELEVANT CODE LANGUAGE:

§ 9.2.11 R-3 RESIDENTIAL ZONE (one residential unit/ one third (.33) acre)

§9.2.11(E)(2)(a)

(E) AREA REGULATIONS.

(2) Setbacks. Setback limits apply to all buildings and/or structures including swimming pools.

(a) The minimum front setback shall be twenty (20) feet; the minimum side setback shall be ten (10) feet; and the minimum rear setback shall be fifteen (15) feet. For any property bounded by an irrigation ditch or drain, the minimum setback along the ditch or drain shall be twenty-five (25) feet.

§9.2.25 APPLICATION AND APPROVAL PROCESS

(E) COMMISSION/BOARD ISSUED PERMITS.

(7) Variance. This provision applies to applications for variances from the terms of this Chapter 9.

(a) A variance may be granted if:

1. The variance is in conformance with the goals and policies of the Village Master Plan; and
2. It is not contrary to the public interest in protecting and fostering the character of the vicinity and the Village, and will not cause material adverse impacts on adjacent property, the neighborhood, or the community; and
3. Owing to special conditions, a literal enforcement of this Chapter 9 will result in unnecessary hardship.

(b) Unnecessary Hardship Criteria. Enforcement of this Chapter 9 may be deemed to cause unnecessary hardship if:

1. When compared with other land in the vicinity and located in the Village, 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; or

2. When compared to other land in the vicinity and located in the Village, 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; or

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; or

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; or

5. Other relevant factors exist that when taken into account indicate that granting of the variance is substantially justifiable giving proper weight to the interests of the property owner, the public interest in protecting and fostering the character of the vicinity and the Village, and the intent and purpose of the Master Plan and Zone Code.

(c) General principles applicable to all variances:

1. The requested variance shall not effectuate or be deemed to have authorized a zone change or in any manner affect the zoning of any property; and

2. 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; and

3. The requested variance differs from that allowed in this Chapter 9 only enough to relieve the alleged hardship; and

4. The alleged hardship was not self-imposed by the property owner; and

5. An application for a variance for the same property will not be considered if another application has been filed within six (6) months from the date of the final action on a prior application; and

6. 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.

ANALYSIS:

§9.2.7(E)(2)(a)2, compliance with the Master Plan:

Under **2.1.2 Village Form Policies & Action Steps** in the Master Plan, **Policy A Action Steps** includes the provision to “Enforce Village zoning and Ordinance requirements.” This supports enforcement of the R-3 Zone’s setback requirements, but it also means that should the Planning and Zoning Commission find that the hardship criteria are met under the variance requirements, a variance may be granted from the strict application of these standards. *May conform.*

4.1 Environmental Goal is to “In recognition of the holistic system of the environment, its connection to health and quality of life, and human impact on the environment, it is the goal to protect and enhance the environment in the Village wherever and whenever possible.” *May conform.*

§9.2.25(E)(7)(a)(2), public interest and material adverse impacts on adjacent property, the neighborhood, or the community:

One facet of public interest is conformity with the adopted goals and policies of the Village Master Plan, see above. The Village did not receive any comments of support or opposition prior to the publication of the meeting packet. *May conform.*

§9.2.25(E)(7)(a)(3), unnecessary hardship:

Hardship criteria **§9.2.25 E (7)(b)5:** Staff do not believe that granting the variance is justifiable giving proper weight to the interests of the property owner, the public interest in protecting and fostering

the character of the vicinity and the Village, or the intent and purpose of the Master Plan and Zone Code. According to the property owner the irregular shaped lot and large tree canopy prevents him from bumping up against the setbacks—either side of rear. While only the two corners of the garage will encroach the setback, staff feel that a reconfiguration of the garage may eliminate this hardship.

§9.2.25(E)(7)(c)(1) through (6):

- (1) This application does not affect the zoning of the property.
- (2) Financial gain or loss was not cited as a factor prompting this request.
- (3) The variance differs only enough to relieve the alleged hardship, as the request is to build to a 5-foot setback on the east side of the property and a 10-foot setback in the rear of the property, deviating 5 feet and 5 feet from the required setbacks respectively.
- (4) The alleged hardship was self-imposed by the property owner.
- (5) No prior application for a variance has been submitted on this property in the last six months.
- (6) This variance does not set precedence as the basis for its approval is meeting hardship criteria #5.

DEPARTMENT RECOMMENDATIONS AND FINDINGS:

The Department recommends denial of **V-23-07**, a request for a Variance from the 10' side and 15' rear setbacks in the R-3 Zone in the 4th Street Character Area, with the following Findings and Conditions:

Findings:

The Variance request does not adequately meet the requirements of §9.2.25(E)(7)(a) 1-3, (b) 5, and (c) 1-6:

(a)(1) The Variance is not in conformance with the goals and policies of the Village Master Plan, as granting this request is contrary to Policy A Action Steps, "Enforce Village zoning and Ordinance requirements." (a)(2) The Variance is contrary to the public interest. (a)(3) Owing to special conditions, a literal enforcement of this Chapter 9 will not result in unnecessary hardship. (b) Unnecessary Hardship Criteria #5 not met. (c) Subsections 1 through 6 are met.

Should the Planning and Zoning Commission find that granting the Variance request IS warranted, staff recommends the following findings of fact and conditions for approval:

The Variance request does meet the requirements of **§9.2.25(E)(7)(a) 1-3, (b) 5, and (c) 1-6:**

(a)(1) The application is in conformance with the Master Plan in the following sections:

2.1.2 Village Form Policies & Action Steps in the Master Plan, Policy A Action Steps

Enforce Village zoning and Ordinance requirements.

4.1 Environmental Goal

In recognition of the holistic system of the environment, its connection to health and quality of life, and human impact on the environment, it is the goal to protect and enhance the environment in the Village wherever and whenever possible.

(a)(2) The Variance is not contrary to the public interest. (a)(3) Owing to special conditions, a literal enforcement of this Chapter 9 will result in unnecessary hardship.

(b) Unnecessary Hardship Criteria met: #5. (c) Subsections 1 through 6 are met.

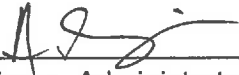
Conditions:

1. The variance is to build a garage to a 5-foot setback on the east side of the property and a 10-foot setback in the rear of the property, deviating 5 feet and 5 feet from the required setbacks

respectively.

2. The proposed garage construction is subject to all other Village Code and building requirements.

Public notice requirements have been met by publication in the Albuquerque Journal on 8/23/23. The Public Notice was sent by mail to all neighbors within 300 feet of the property on 8/22/23. The Public Notice sign was posted on the property by 8/22/23.



Ann Simon, Administrator
Acting Director, Planning and Zoning Department

Date: ~~08/25/23~~

9/27/23 AHR

Attachments:
Application
Ortho
Zone Map

Received 8-9-2023

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

FOR OFFICIAL USE			
Zone <u>R-3</u>	V# <u>23-07</u>	Date: <u>8-9-2023</u>	
Related Cases <u>—</u>		Receipt # <u>988770</u>	
Character Area <u>4th Street</u>			



Application fee of \$150.00 due at submittal. Additional public notice fees will apply.
Complete application must be submitted with all required documents by the deadline for the next Planning & Zoning Commission meeting. Incomplete applications without all required supplemental documents will not be processed. No revisions (edits to submitted documents, removing submitted documents, or additional documents) are accepted after the deadline.

VARIANCE APPLICATION

Address: 334 Pueblo Salvo Rd NW Zip: 87107
Los Ranchos de Albuquerque

Property Acreage .41 Nature of Variance Request: EASEMENT ENCRoACHMENT

Legal Description (Only if property has no formal address)

Subdivision _____ Block _____ Lot No. _____ Tract No. _____ MRGCD Map No. _____

PROPERTY OWNER

Name: EERE HUETTER

Mailing address: 334 PUEBLO SALVO RD NW LOS RANCHOS 87107
Street City Zip

Telephone: (505) 550-5996 Email: HUETTER84@GMAIL.COM

CONTRACTOR/AGENT OR FIRM

Representative for property owner who will handle application processing in lieu of property owner. If not applicable, leave blank.

Contact Name: Homeowner Hutter Title: _____

Business Name: _____

Mailing address: _____
Street City Zip

Telephone: _____ Email: _____

REQUIRED DOCUMENTS

*** Must be submitted with application form.**


- Grant/warranty deed or other proof of ownership* (Confirm with staff other proof is acceptable prior to submittal)
- Verification of paid property taxes (e.g. tax bill)* (From <https://www.bernco.gov/treasurer/property-tax-search.aspx>)
- Letter of intent – Nature of request and why requested, consisting of:
 - Section(s) of code requesting variance from – View at www.losranchosnm.gov/village-code
 - Hardship criteria – Must reference at least one. If no numerical hardship (1-5) identified, staff will recommend denial.
 - Site plan – To scale (include dimensions). Identify location of request.
 - Floor plan/design and elevations – If applicable. To scale (include dimensions).
 - Photographs/diagrams – If applicable.

In addition to the \$150.00 variance fee, the application will generate public notice fees for postings in the newspaper, a posted sign, and mailings sent to all neighbors within a 300-400 foot area from the subject property. Fees generated by this application are the applicant's responsibility, due and payable upon notification of fees by the Village.


The Planning & Zoning Department will notify the applicant to pay the public notice fees and pick up the sign to post on the property. The sign must be posted visible from the roadway; if along two roads, the applicant may pick which road to post the sign along. The applicant is responsible for posting the sign on the property for the duration of the public comment period, according to application public notice requirements.

The Village of Los Ranchos de Albuquerque does not take responsibility for information on or enforcement of restrictive covenants on the subject property.

By submitting this application, I certify that all statements herein are true and correct to the best of my knowledge.



Signature of Property Owner (or submit affidavit of agent) Date



Signature of Applicant (Contractor/Agent) (if applicable) Date

FOR OFFICIAL USE

Planning & Zoning Commission Application Hearing Date: September 12, 2023

Disposition: Approved Denied Withdrawn on _____
Date

Conditions:

Attest: _____
Planning and Zoning Director Date

Letter with special conditions of approval or basis for denial specified in letter (notice of decision) mailed on _____
Date

Letter of intent

334 Pueblo Solano RD NW

Los Ranchos Planning and Zoning,

I Eric Huetter, owner of 334 Pueblo Solano RD. NW. Los Ranchos, NM 87107 am requesting a variance from Los Ranchos zoning code for (setbacks, R-3 zone 9.2.11(E)(2)(a))

It is my intention to build a garage/ storage space at the rearmost southeast corner of my property. Due to hardships the building needs to have a 5 foot side setback and a 10 foot rear setback in one corner.

Variance from the 10-foot side and 15-foot rear setbacks are being requested due to hardship criteria 1,3, and 5 of section 9.2.25(E)(7)(b)

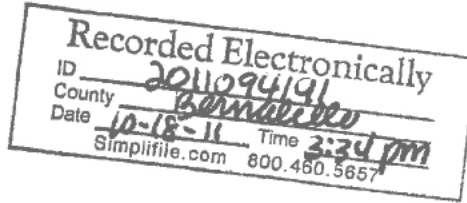
1. Due to the previously existing driveway being situated along the east fence line there is only one feasible location for the structure to be placed, allowing for access for the garage door.
3. The lot is irregular in shape, not allowing for square placement of proposed building. If set parallel to one property line or the other, it causes a setback encroachment on the adjacent property line.
5. To stay true to the purpose of living in the Village of Los Ranchos, the proposed building location has been selected to preserve as much of the mature vegetation as possible. The location has also been selected as to not be intrusive on adjacent properties. The proposed building is going to be built in a manner to be consistent with the design of the other structures in the neighborhood and not to be a prefab type of metal building or to have the appearance of a commercial building.

Thank you for your consideration, Eric Huetter.

Return To: FT000083516 MB
FIDELITY NATIONAL TITLE INSURANCE CO

Prepared By and Return to:

Fidelity National Title of New Mexico
8220 San Pedro NE, Ste.160
Albuquerque, NM 87113



WARRANTY DEED

Rebecca L. Lowe, who acquired title as Rebecca D'Addio, an unmarried woman

for consideration paid, grant to

Eric R. Huetter, a single man

whose address is 334 Pueblo Solano Road NW, Los Ranchos, NM 87107 the following described real estate in Bernalillo County, New Mexico:

Lot numbered Thirty-six (36) of the VALRICA ADDITION, a subdivision of a tract of land in School District Number 22, Bernalillo County, New Mexico, as the same is shown and designated on the map of said addition filed in the office of the County Clerk of Bernalillo County, New Mexico on January 19, 1946.

with warranty covenants.

SUBJECT TO Patent, reservations, restrictions, and easements of record and to taxes for the year 2011, and subsequent years.

Witness our hands and seals this 17th day of October, 2011.

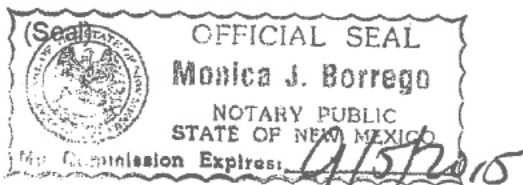
Rebecca L. Lowe
Rebecca L. Lowe

ACKNOWLEDGEMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO
COUNTY OF Bernalillo

This instrument was acknowledged before me this 17th day of October, 2011 by Rebecca L. Lowe.

My Commission Expires:



[Signature]
Notary Public

TAX AND PAYMENT HISTORY FOR: [REDACTED]

YEAR	NET TAXABLE	TAX	INTEREST	PENALTY	FEES	PAID	AMOUNT DUE
2013	[REDACTED]	[REDACTED]	0.00	0.00	0.00	[REDACTED]	0.00
2014	[REDACTED]	[REDACTED]	0.00	0.00	0.00	[REDACTED]	0.00
2015	[REDACTED]	[REDACTED]	0.00	0.00	0.00	[REDACTED]	0.00
2016	[REDACTED]	[REDACTED]	0.00	0.00	0.00	[REDACTED]	0.00
2017	[REDACTED]	[REDACTED]	0.00	0.00	0.00	[REDACTED]	0.00
2018	[REDACTED]	[REDACTED]	0.00	0.00	0.00	[REDACTED]	0.00
2019	[REDACTED]	[REDACTED]	0.00	0.00	0.00	[REDACTED]	0.00
2020	[REDACTED]	[REDACTED]	21.90	21.90	0.00	[REDACTED]	0.00
2021	[REDACTED]	[REDACTED]	0.00	0.00	0.00	[REDACTED]	0.00
2022	[REDACTED]	[REDACTED]	0.00	0.00	0.00	[REDACTED]	0.00
Summary of Taxes Due		Payment information		Amount Due			
1st Half Delinquent after Dec. 10, 2022		Current as of		Valid until			
2nd Half Delinquent after May 10, 2023		5/6/2023		5/10/2023			
	1ST HALF DUE	[REDACTED]	0.00	0.00	0.00	[REDACTED]	0.00
	2ND HALF DUE	[REDACTED]	0.00	0.00	0.00	[REDACTED]	0.00
	TOTAL DUE	[REDACTED]	0.00	0.00	0.00	[REDACTED]	0.00

To get Current Pay online Now!

Note!! All payments will be applied to Penalty and Interest First then the Oldest Tax Bill

[CLICK HERE TO PAY YOUR TAXES](#)

PLEASE NOTE:

CLICKING THE BUTTON ABOVE WILL TAKE YOU TO BERNALILLO COUNTY'S NEW PAYMENT PAGE.

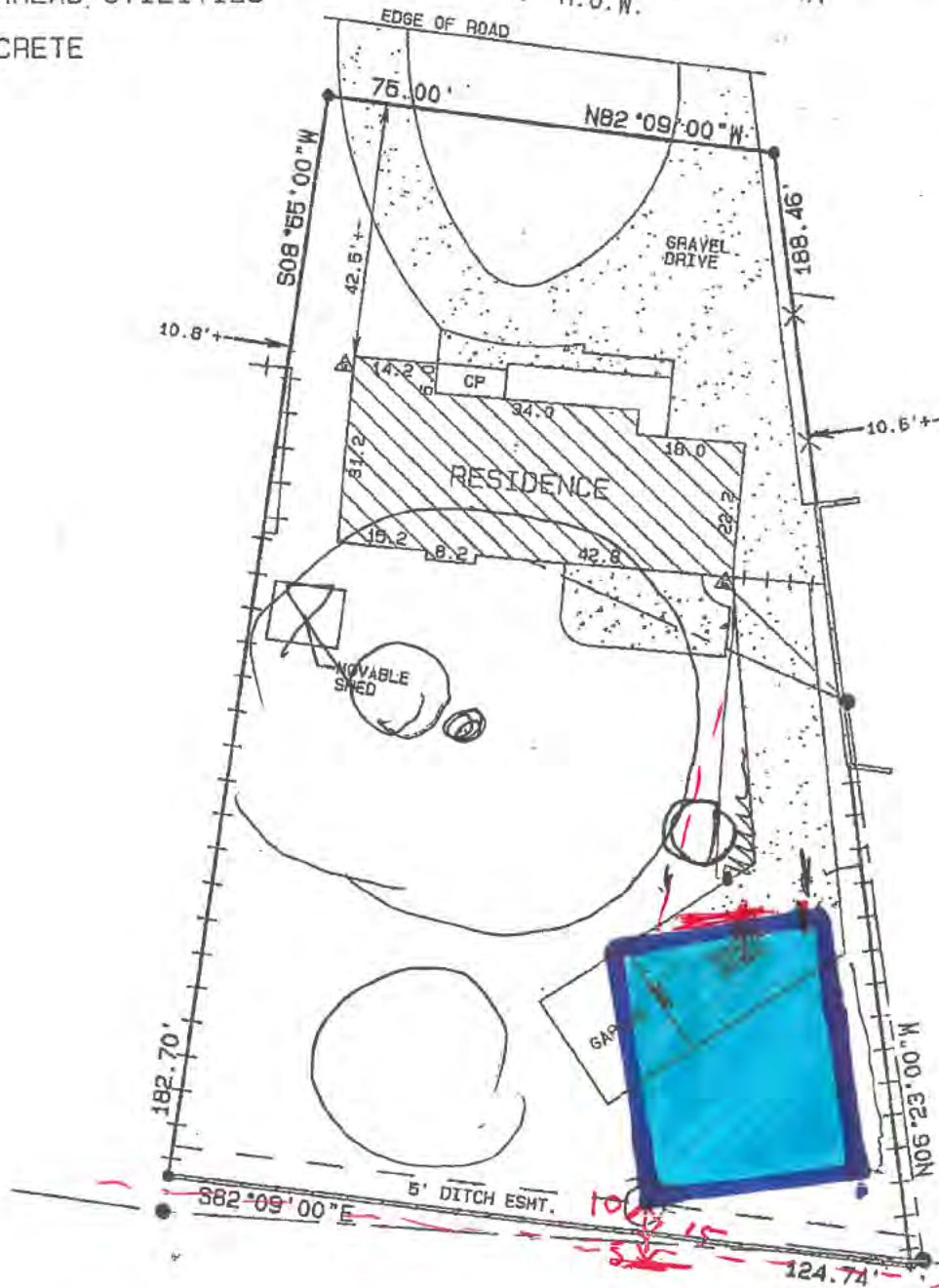
LEGEND

- ▲ ELEC. METER
- △ GAS METER
- POWER POLE
- ++++ FENCE
- X— FENCE
- BLOCK WALL
- — — OVERHEAD UTILITIES
- ▨ CONCRETE

SCALE 1"=30'



334 PUEBLO SOLANO RD. NW
50' R.O.W.



NOTES

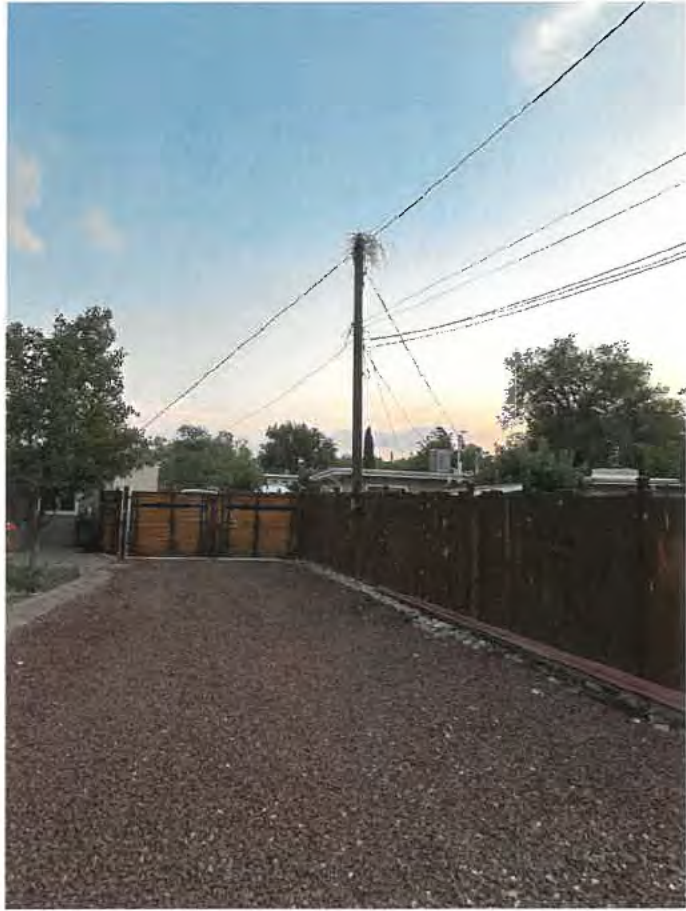
IMPROVEMENT LOCATION REPORT ONLY (NOT A STAKE SURVEY)
IMPROVEMENT LOCATION REPORT BASED UPON FIELD MEASUREMENTS ONLY AND
MAY VARY FROM THAT WHICH WOULD BE SHOWN ON A STAKE SURVEY.

LOT NUMBERED THIRTY-SIX (36) OF THE VALRICA ADDITION, A SUBDIVISION OF A TRACT OF LAND IN SCHOOL DISTRICT NUMBER 22, BERNALILLO COUNTY, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON THE MAP











334 Pueblo Solano Rd NW (garage build).

The proposed build is to be located at the far southeast corner of 334 Pueblo Solano Rd NW. The structure is to be constructed in a manner that it would match existing structure and not to be a steel building or have the appearance of a commercial building. The proposed structure would fall within all of the village and county building and zoning code. A variance is needed to position the structure in a location consistent with the existing driveway, and to allow alignment of garage door. The abnormal shape of the lot allows for only one practical building location.

The purpose of seeking a variance is to place the new structure closer to the east property boundary than normally allowed by setback code for R-3 zoning. (setbacks, R-3 zone 9.2.11(E)(2)(a)). The abnormal shape of the lot will also cause a rear setback encroachment along the south property line.

The structure would be placed approximately 5 feet from side (east property line), and one corner of the structure would be 10 feet from rear (south property line).

- I. Therese Perea
305 Del Aker Rd NW
Los Ranchos NM 87107
- II. Rita Garcia
307 del aker NW
Ab nm Los Ranchos 87107
- III. Don Howell
309 del aker NW
A Los Ranchos 87107
- IV. Kyle Seth Gorman
330 Pueblo Solano Rd
Albuquerque NM 87107
- V. Joe Chavez
340 Pueblo Solano Rd
Ab, NM, 87107.
- VI. JAN NAKOTRE
309 Del Aker Rd
Los Ranchos, NM 87107

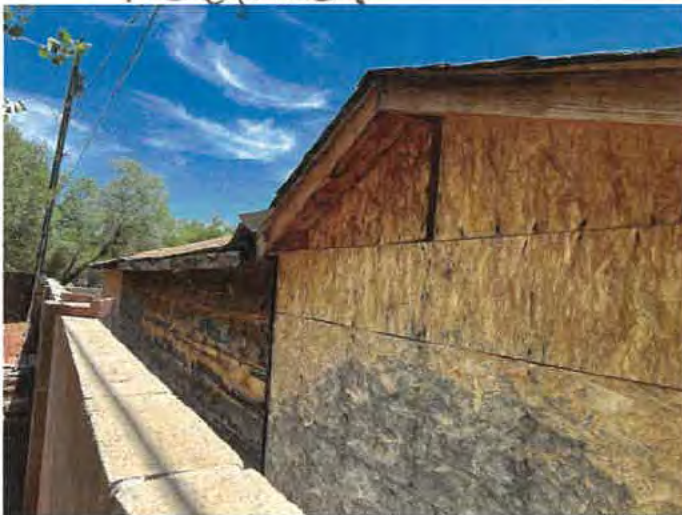
334 Pueblo Sokano



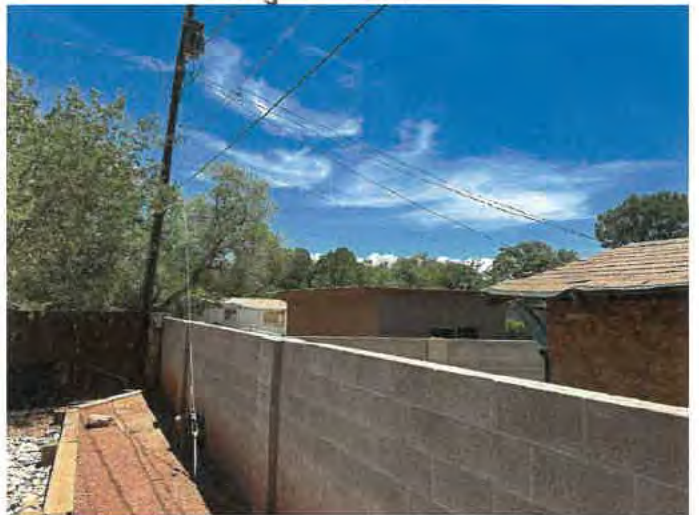
Neighbor

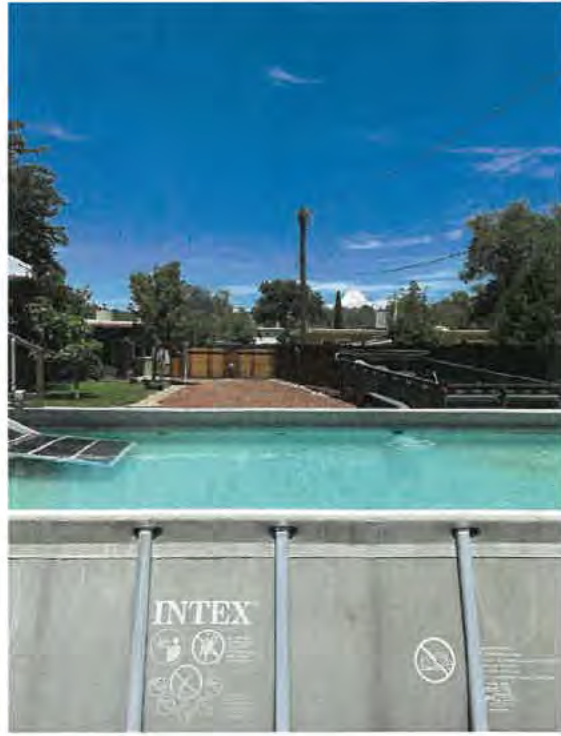


Neighbor



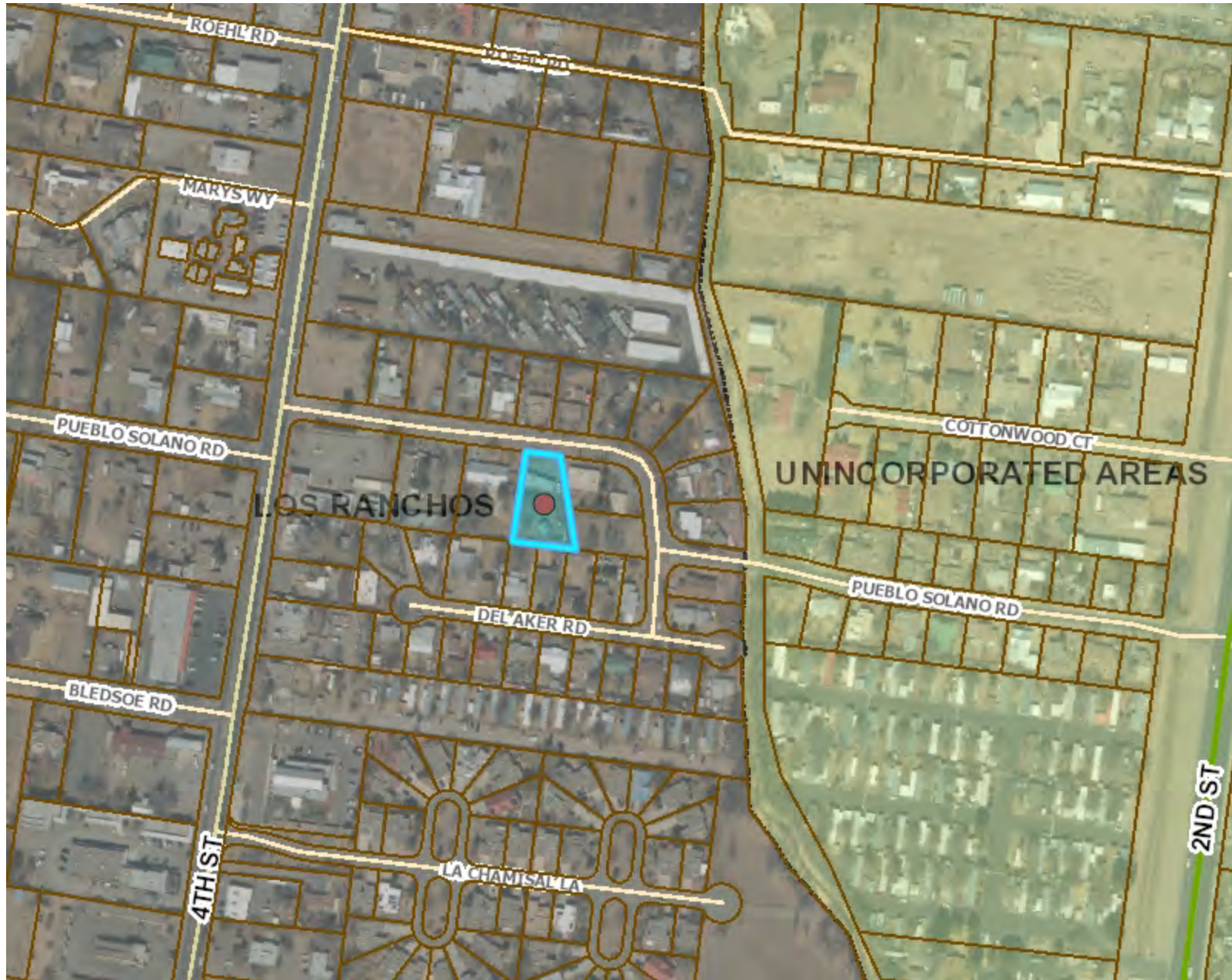
Neighbor







334 Pueblo Solano Rd

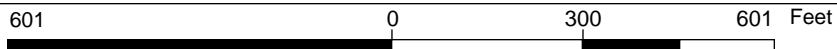


Legend

- Bernalillo County Parcels
- Primary Streets**
 - Freeway
 - Principal Arterial
 - Minor Arterial
 - Local Streets
- BN and SF Railroad
- Other Streets**
- Municipal Limits**
 - Corrales
 - Edgewood
 - Los Ranchos
 - Rio Rancho
 - Tijeras
 - UNINCORPORATED

Notes

Ortho Map



WGS_1984_Web_Mercator_Auxiliary_Sphere
8/29/2023 © City of Albuquerque

1: 3,606

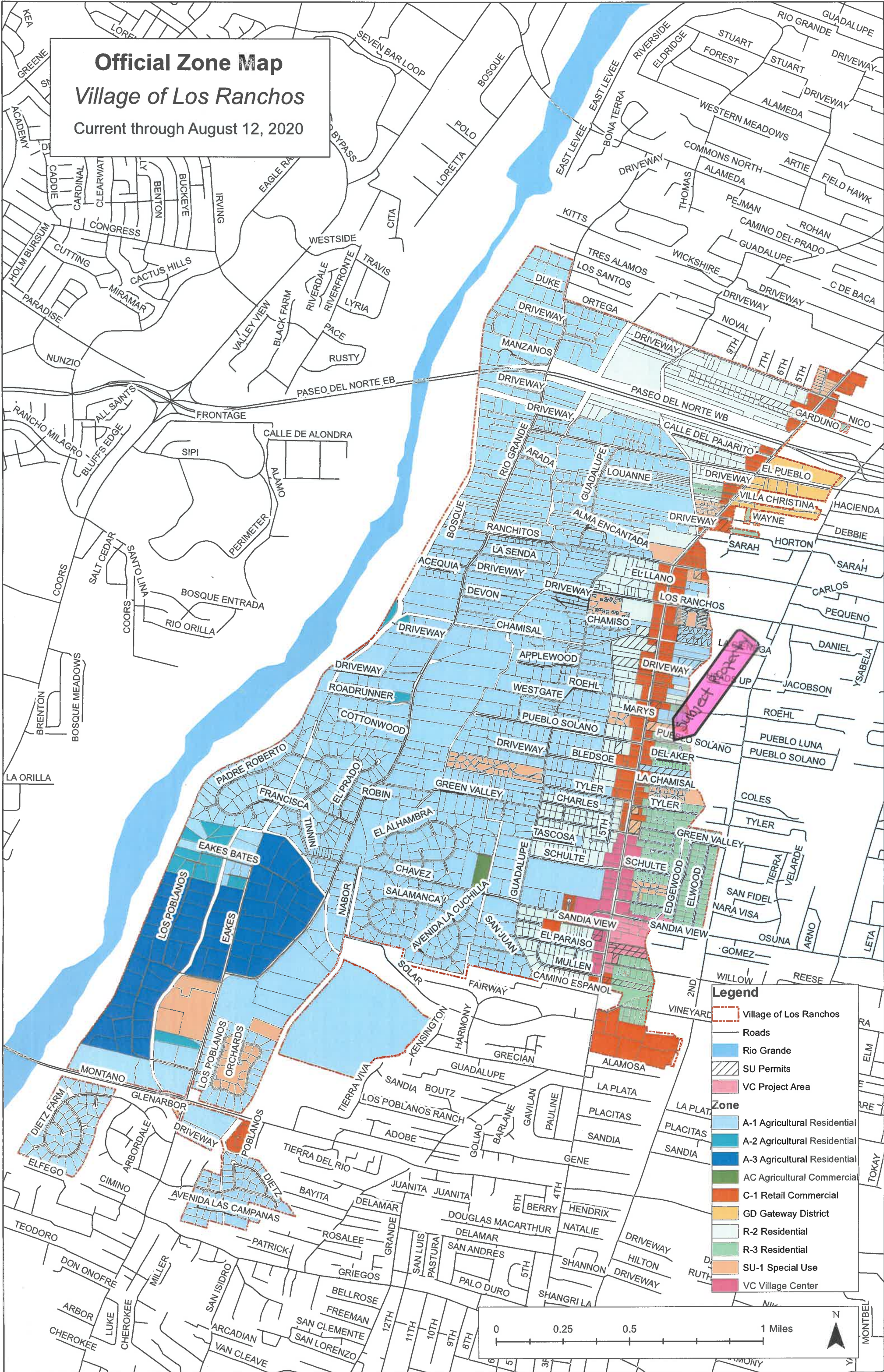
The City of Albuquerque ("City") provides the data on this website as a service to the public. The City makes no warranty, representation, or guaranty as to the content, accuracy, timeliness, or completeness of any of the data provided at this website. Please visit <http://www.cabq.gov/abq-data/abq-data-disclaimer-1> for more information.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Official Zone Map

Village of Los Ranchos

Current through August 12, 2020

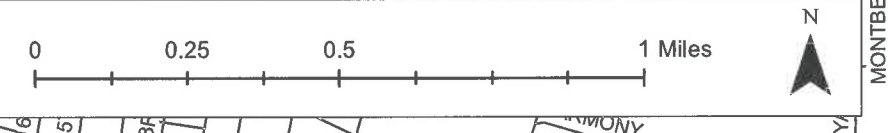


Legend

- Village of Los Ranchos
- Roads
- Rio Grande
- SU Permits
- VC Project Area

Zone

- A-1 Agricultural Residential
- A-2 Agricultural Residential
- A-3 Agricultural Residential
- AC Agricultural Commercial
- C-1 Retail Commercial
- GD Gateway District
- R-2 Residential
- R-3 Residential
- SU-1 Special Use
- VC Village Center



5. OLD BUSINESS

There is no Old Business

6. NEW BUSINESS

There is no New Business

7. REPORTS

A. Planning Department Report

8. COMMISSIONERS' INFORMAL DISCUSSION

9. ADJOURNMENT