



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

**AGENDA**

**January 9, 2024 Regular Meeting**  
**7:00 p.m. Warren J. Gray Hall**  
**6718 Rio Grande Blvd NW**

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**Commission:**

Commissioner JT Michelson, Chair  
Commissioner Mary Homan, Vice Chair  
Commissioner Connie Barrow  
Commissioner Shelleen Smith  
Commissioner Robert Martinez  
Commissioner John Edward  
Commissioner Gwenn Baldwin

**Staff:**

Maida Rubin – Planning & Zoning Director  
Brennon Williams – Village Staff  
Michelle S. Austin – Administrative Assistant  
  
Darnell Worrell – IT Specialist & Zoom Moderator

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**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, January 9, 2024. 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, January 9, 2024. To submit comments or sign-up to speak, email the Village Clerk Danielle Sedillo-Molina at [dmolina@losranchosnm.gov](mailto:dmolina@losranchosnm.gov).

**1. CALL TO ORDER**

- a) Oath of Office for new Commissioners
  - a. John Edward
  - b. Gwenn Baldwin
- b) Roll Call
- c) 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 – October 10, 2023 Regular Meeting

#### 4. PUBLIC HEARINGS & APPLICATIONS

- A. SDP 19-01 Amendment;** A request by David Newman for a minor amendment to an existing approved Site Development Plan for modifications to authorize building additions of less than twenty percent (20%) of the existing building area, an alternate landscaping plan, outdoor seating area, and changes to the off-street parking layout as allowed by § 9.2.25 (D)(6) Minor Site Plan Amendments. The property is located at 7203 4<sup>th</sup> St. NW (a.k.a. 7201 – 7209 4<sup>th</sup> St. NW; the NW corner of 4<sup>th</sup> St. & Roehl Rd. NW), Los Ranchos NM, 87107, and is legally described as Lot 7, Zia View Subdivision, Village of Los Ranchos de Albuquerque. The property contains .5227 acres, more or less.
- B. V 23-08;** A request by John Moser for a variance from § 9.2.10(E)(2)(a) requiring a 10-foot side yard setback distance to allow an addition to an existing single-family dwelling to be 5 feet, ½ inches from the side property line. The property is located at 415 Pueblo Solano Rd. NW, Los Ranchos, NM, 87107, and is legally described as Lot 5, Pueblo Solano Addition, All of Lot 5 Excluding the West 50 Feet. The property contains 0.5969 acres, more or less.

#### 5. OLD BUSINESS

*There is no Old Business*

#### 6. NEW BUSINESS

- A. Adoption of Resolutions for 2024  
1. Adoption of Resolution 2024-1 Planning & Zoning – Open Meetings Act

#### 7. REPORTS

- a) Planning Department Report

#### 8. COMMISSIONER'S INFORMAL DISCUSSION

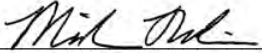
#### 9. ADJOURNMENT

A COPY OF THE AGENDA MAY BE OBTAINED AT THE VILLAGE OFFICE, 6718 RIO GRANDE BLVD. NW, DURING REGULAR BUSINESS HOURS OF 8:00 AM – 5:00 PM OR AT [www.losranchosnm.gov](http://www.losranchosnm.gov).

**THE NEXT REGULAR MEETING WILL BE HELD TUESDAY February 13, 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 2023-1-P&Z.

  
\_\_\_\_\_  
Maida Rubin, AICP, CFM, Planning and Zoning Director

12/22/23  
\_\_\_\_\_  
Date

**1. CALL TO ORDER- Chairman Michelson**

**A. Oath of Office for New Commissioners**

- a. John Edward**
- b. Gwenn Baldwin**

**B. Roll Call**

**COMMISSIONER HOMAN  
COMMISSIONER BARROW  
COMMISSIONER SMITH  
COMMISSIONER MARTINEZ  
COMMISSIONER EDWARD  
COMMISSIONER BALDWIN  
COMMISSIONER MICHELSON**

**C. Approval of the Agenda**

## 2. PUBLIC COMMENT PERIOD

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

### 3. CONSENT AGENDA

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

- A. Approval of Minutes – October 10, 2023 Regular Meeting Minutes



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

**MINUTES**  
**October 10, 2023**

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**Commission:**

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

**Staff:**

Brennon Williams – Village Staff  
Ann Simon – Village Administrator  
Michelle S. Austin – Administrative Assistant  
Nann Winter – Village Attorney  
Kiko Jeanette – IT Specialist & Zoom Moderator

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**1. CALL TO ORDER**

The regular meeting of the Planning & Zoning Commission was called to order at 7:00 p.m., October 10, 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 (5-0) by roll call vote.

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

**2. PUBLIC COMMENT**

- Camille Varoz – 427 El Paraiso Rd. NW Los Ranchos

**Discussion:** Thanked the Commissioners, staff and Attorney Winter for their hard work and dedication. Concerned about overflow of parking once the Village Center is complete.

**3. CONSENT AGENDA**

- a) Approval of the Consent Agenda – No corrections or changes
  - 1. August 8, 2023, Regular Meeting Minutes

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

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

1 **Vote: The motion carried (5-0) by roll call vote.**

2 *Commissioner Homan – yea*  
3 *Commissioner Barrow – yea*  
4 *Commissioner Smith – yea*  
5 *Commissioner Martinez – yea*  
6 *Commissioner Michelson – yea*

7  
8 **4. PUBLIC HEARINGS & APPLICATIONS**  
9

10 **A. V 23-06;** A request by Allen and Marsha Leatherwood for a Variance from  
11 §9.2.7(E)(2)(a)2 requiring a 15’ side setback in the A-1 Zone in the Guadalupe Trail  
12 Character Area. The property is zoned A-1, and is located at 1007 El Pueblo, NW,  
13 Los Ranchos NM 87114. It is legally known as A certain tract of land being and  
14 comprising the Easterly portion of Tract numbered Thirty-four-a-2, as shown and  
15 designated on the MRGCD Property Map No. 24 Tract D lands of Leatherwood and  
16 Whipple, situate within the Village of Los Ranchos de Albuquerque, and contains  
17 3.0365 acres more or less.

18  
19 **Mr. Williams**, having been sworn in by Attorney Winter, gave the planning report with  
20 recommendation of approval with conditions.

21  
22 **Speakers for the Discussion:**

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

25  
26 **SPEAKERS:**

27 Marsha Leatherwood - 1007 El Pueblo Rd.

26 **POSITION:**

Applicant

28  
29 **Discussion:**

- 30 • Applicant felt Mr. Williams summarized the variance well.  
31 • No questions from Commissioners.  
32 • Floor was closed for comments.

33  
34 **Commissioners’ Discussion:** None

35  
36 **Motion:** Commissioner Homan moved to approve with conditions.

37 **Second:** Commissioner Barrow seconded the motion.  
38

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

40  
41 *Commissioner Homan – yea*  
42 *Commissioner Barrow – yea*  
43 *Commissioner Smith – yea*  
44 *Commissioner Martinez – yea*  
45 *Commissioner Michelson – yea*  
46

47 **Chairman Michelson** stated that the public hearing on item **V 23-06** a request by Allen and  
48 Marsha Leatherwood for a Variance was formally closed.

1  
2 **B. V.23-07;** A request by Eric Huetter for a Variance from §9.2.11(E)(2)(a)  
3 requiring a 10’ side setback and 15’ rear setback in the R-3 Zone in the 4th Street  
4 Character Area. The property is zoned R-3, and is located at 334 Pueblo Solano,  
5 NW, Los Ranchos NM 87107. It is legally known as Lot numbered Thirty-six of  
6 the VALRICA ADDITION, a subdivision of a tract of land in School District  
7 Number 22, Bernalillo County, New Mexico, as the same is shown and  
8 designated on the map of said addition filed in the office of the County Clerk of  
9 Bernalillo County, New Mexico on January 19, 1946

10  
11 **Mr. Williams** gave the planning report with recommendation for denial.

12  
13 **Speakers for the Discussion:**

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

16  
17 **SPEAKER:**

18 Eric Huetter – 334 Pueblo Solano

17 **POSITION:**

18 Applicant

19  
20 **Discussion:**

- 21 • **Applicant:** Presented commissioners with handouts and set up a visual presentation.  
22 Survey company hired to stake property lines and is waiting for official survey. No  
23 longer requesting a variance for side setback as the garage was modified to fall within  
24 the required side setback. Back SE corner of building estimated to be only 13” – 15”  
25 into setback after modifications.
- 26 • **Commissioners** presented questions regarding utility easement; why not move garage  
27 forward to accommodate back setback; with new information presented will this  
28 change recommendation for approval?
- 29 • **Applicant** responded to comments heard. If garage is moved forward, there would be  
30 loss of vegetation (grass and tree limbs). Mr. Williams confirmed the variance will still  
31 be denied as the garage is not in conformance with the Village setback code.
- 32 • Floor was closed for comments.

33  
34 **Motion:** Commissioner Barrow moved to approve.

35 **Second:** Commissioner Michelson seconded the motion.

36  
37 **Discussion on the Motion:** Commissioners discussed how they would each be inclined to vote  
38 and provided reasoning behind their positions. Commissioner Homan and Martinez struggled  
39 with the motion.

40  
41 **Motion Amended:** Commissioner Barrow moved to approve with following conditions:  
42 Applicant will provide Planning and Zoning an updated site plan, survey showing new setbacks  
43 and dimensions of garage in 30 days.

44  
45 **Vote: The motion carried to approve (5-0) by roll call vote:**

46  
47 *Commissioner Homan – yea*

48 *Commissioner Barrow – yea*



1 *Commissioner Smith – yea*  
2 *Commissioner Martinez – yea*  
3 *Commissioner Michelson – yea*  
4

5 **Chairman Michelson** stated that the public hearing on **V.23-07**; A request by Eric Huetter for a  
6 Variance is formally closed.  
7

8 **5. OLD BUSINESS**

9 *There was no Old Business*

10  
11 **6. NEW BUSINESS**

- 12  
13 1. Commissioner Resignations  
14 a. Karen Christensen  
15 b. Dan Gay  
16

17 **7. REPORTS**

18 There was no Department Report.  
19

20 **8. COMMISSIONERS' INFORMAL DISCUSSION**

- 21 • Commissioners held a brief informal discussion.  
22

23 **9. ADJOURNMENT**

24 **Motion:** Commissioner Homan moved to adjourn the meeting.  
25

26 **Chairman Michelson adjourned the meeting at 7:40 pm**  
27

28  
29 **Approval of the October 10, 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 \_\_\_\_\_  
39 Connie Barrow, Secretary  
Planning & Zoning Commission

#### 4. PUBLIC HEARINGS

- A. SDP 19-01 Amendment;** A request by David Newman for a minor amendment to an existing approved Site Development Plan for modifications to authorize building additions of less than twenty percent (20%) of the existing building area, an alternate landscaping plan, outdoor seating area, and changes to the off-street parking layout as allowed by § 9.2.25 (D)(6) Minor Site Plan Amendments. The property is located at 7203 4<sup>th</sup> St. NW (a.k.a. 7201 – 7209 4<sup>th</sup> St. NW; the NW corner of 4<sup>th</sup> St. & Roehl Rd. NW), Los Ranchos NM, 87107, and is legally described as Lot 7, Zia View Subdivision, Village of Los Ranchos de Albuquerque. The property contains .5227 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

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**DATE ISSUED:** December 22, 2023

**REPORT NO.** PZ-24-02

**File:** SDP-19-01

**ISSUED BY:** Planning and Zoning Department

**SUBJECT:** A request for modifications to an existing approved Site Development Plan to authorize building additions of less than twenty percent (20%) of the existing building area, an alternate landscaping plan, outdoor seating area, and changes to the off-street parking layout as allowed by § 9.2.25 (D)(6) Minor Site Plan Amendments.

**APPLICANT:** David Newman

**LOCATION AND LEGAL:**

The property is located at 7203 4<sup>th</sup> St. NW (a.k.a. 7201 – 7209 4<sup>th</sup> St. NW; the NW corner of 4<sup>th</sup> St. & Roehl Rd. NW), Los Ranchos NM, 87107, and is legally described as Lot 7, Zia View Subdivision, Village of Los Ranchos de Albuquerque. The property contains .5227 acres, more or less.

**PROJECT:**

The applicant is requesting approval to construct a 177.5-square foot (5' x 35.5') attached shade structure addition to the south side of the existing building, as well as a 275-square foot (11' x 25') attached covered porch addition to the east side of the existing building. The existing building is 6,244 square feet in area, and the proposed additions will result in net increase of 7.2 percent. Additionally, the applicant seeks approval of an alternate landscaping plan, outdoor seating area, and changes to the off-street parking layout.

**SURROUNDING AREA:**

Nearby properties to the north, south and east are zoned C-1 Retail Commercial, while lots to the west are zoned R-2 Residential, all within the 4<sup>th</sup> Street Character Area.

**RELEVANT CODE LANGUAGE:**

**§9.2.25 APPLICATION AND APPROVAL PROCESS**

**(D) PLANNING DIRECTOR ISSUED PERMITS.**

(6) Minor Site Plan Amendments. Physical modification to commercial buildings or structures of less than twenty percent (20%) of the total floor may be approved by the Planning Director. If the Planning Director determines the requested modification is significant, the request will be referred to the Commission/Board. Minor Site Plan Amendments shall be considered only one time in a calendar year.

**(E) COMMISSION/BOARD ISSUED PERMITS**

(1) Site Development Plan

(a) Approval. Approval of a Site Development Plan by the Commission and the Board of Trustees is required for major subdivisions; commercial subdivisions where all lots will be developed by one developer, new commercial construction and for commercial projects that modify an existing structure by twenty percent (20%) or more, except Tenant Improvement internal remodels, or add square

footage to the total floor area; schools; museums; arenas; convention centers; and/or when required as a condition of approval for Conditional or Special Use Permits.

1. Public Notice and Hearing requirements as set forth in § [9.2.25\(F\)](#) Public Notice Regulations, below shall be followed.

**(F) PUBLIC NOTICE REGULATIONS.** Upon receipt of a completed application the Planning Director shall process the application and grant administrative approval as a routine matter and follow the public notice requirements for the appropriate permit. Any incomplete application or plat may be refused hearing by the Village until said document complies with all requirements of this Section or the Subdivision Code. Refusal to accept a zoning application may be appealed to the Planning and Zoning Commission/Board.

(1) Planning Director Approval

- (a) The Village shall mail individual notice of the application request by first class mail, to the applicant and property owners, as shown by the records of the County Assessor, within a three hundred (300) foot radius of the subject site for lots less than two acres, and a four hundred (400) foot radius for sites over two acres, and
- (b) For Home Occupation Permits and Bed and Breakfast permits, the Village shall mail individual notice of the application request by first class mail to adjoining neighbors stating the nature of the proposed home occupation or that it is a Bed and Breakfast.
- (c) The applicant shall post and maintain one or more signs describing the proposed request on the subject property at a location designated by the Planning Director. The applicant shall remove the sign(s) within five (5) days after the decision.
- (d) The public notice period shall be fifteen (15) calendar days from the date of mailing, after which the Director shall make a decision.
- (e) The public may comment on the application and the Director shall consider the issues raised by the public.

## **ANALYSIS**

This request was originally received as an amendment to an existing site development plan only for the two (2) proposed portal additions – one along the front of the building (275 sq. ft.) and one along the south side of the building (177.5 sq. ft.). However, after the associated public notice was issued, the Planning & Zoning Department received notice of opposition to the proposed amendment on September 15, 2023, and the applicant has proposed other changes to the property, including changes to landscaping, outdoor seating, and off-street parking. Consequently, this matter is coming before the Planning & Zoning Commission for consideration.

The proposed additions are less than the 20% allowed by the zoning code, and the other changes to the site development plan appear to be consistent with Village standards. Specifically, the changes to the landscaping plan center on the relocation of the trees and vegetation from the western property line to areas throughout the site and toward the east (4<sup>th</sup> Street side of the property). The total proposed landscape area – 3,510 square feet – meets the 20% (3,301 sq. ft.) required by the code, and includes native species of trees, shrubs, and ornamental grasses.

A new 1,000-square foot outdoor seating area is proposed on the west side of the existing building, in conjunction with a future craft distillery business. The addition of this seating area resulted in changes to the off-street parking layout on the site, as a looped traffic pattern from 4<sup>th</sup> Street around the existing building and a one-way driveway exiting on Roehl Road is now

planned. With the mix of existing retail uses and future craft distillery business, as well as an approved shared parking agreement, Village parking standards will be met.

Use	Floor Area	Required	Provided
Retail	4,683	2 spaces/1,000 sq. ft. (10 spaces)	10
Dining, bar, nightclub	1,561	5 spaces/1,000 sq. ft. (10 spaces)	9
	6,244	20	19*
*Shared parking agreement – 7115 4 <sup>th</sup> St. NW; approved 12/14/2023			10
<b>TOTAL PARKING SPACES</b>			<b>29</b>

**DEPARTMENT RECOMMENDATION**

The Department recommends **approval** of the proposed minor amendment to the existing Commercial Site Development Plan in the C-1 Zone of the Fourth Street Character Area, with the following findings and conditions:

**Findings:**

1. The request meets the 2035 Master Plan Overall Vision Goals 1.2.1 to “(r)eflect and preserve a semi-rural Village identity and character with agriculture, Village history, and the natural environment—open space, vistas, the canopy, and ditches—at its core through:
  - Density and intensity of Village commercial development appropriate to Village needs, primarily focused on Fourth Street.”
2. The proposal supports the 2035 Master Plan 9.1 Economic Development Goal to “enhance economic activity throughout the Village through public and private efforts and based on Village identity and scale, in particular along the commercial corridor of Fourth Street.”
3. The request is consistent with the 2035 Master Plan 9.1.1 Objectives, including:
  - *Support the business community and create a business climate in which businesses can flourish;*
  - *Attract, support, and retain businesses and commercial activities for residents and visitors that fit within and enhance Village character, in particular those which are high-quality and local; and*
  - *Focus commercial activities along the Fourth Street Corridor while recognizing and supporting commercial activities throughout the Village.*
4. The proposed development meets the requirements of §9.2.12 C-1 Retail Commercial Zone.
5. The proposed development meets the requirements of §9.2.25 E (4) Site Development Plan.

**Conditions:**

1. Construction shall meet all current Village, County, and State Codes, including a permit for the building additions.
2. Sufficient parking shall be provided for the proposed commercial uses, per the §9.2.12 C-1 Retail Commercial Zone requirements.

3. In accordance with § 9.2.19(F), landscaping shall be installed and maintained according to the following standards:
  - a. All landscaping shall be completed within twelve (12) months of approval and must be maintained.
  - b. Any plant material in areas of required new landscaping that does not survive shall be replaced with an equivalent size and species of plant within three (3) months of notification by the Planning Director.
  - c. Plants shall be pruned as necessary to control size or shape, but not to endanger its health, in order to prevent visual and physical obstructions to pedestrians or vehicles, including, but not limited to, the clear-sight triangle area at the intersection of Roehl Road and Fourth Street.
  - d. Regular landscaping maintenance shall ensure water efficiency and include, but not be limited to, pruning, mulching, weeding, litter, and dead plant removal, fertilizing, insect and disease control, and improvements or repair of nonvegetative materials.
  - e. Modifications to landscaping will require review and approval of a revised landscape plan by the Planning Director.
  - f. Irrigation systems will be maintained and replaced as necessary to minimize loss of water due to leaks or inefficient use of water.
  
4. Surface water from the property shall be discharged in accordance with the Village Stormwater Management standards, including the prohibition of discharge onto Roehl Road.

**Should the Commission find that the proposed minor amendment to the existing Commercial Site Development Plan does not merit approval, the following findings for denial are suggested:**

**Findings:**

1. The proposed minor amendment to the existing Commercial Site Development Plan is inconsistent with the goals of the 2035 Master Plan.
2. The proposed minor amendment to the existing Commercial Site Development Plan is contrary to the public interest.

Public notice requirements have been met by publication in the *Albuquerque Journal* on December 25, 2023. The Public Notice was sent by mail to all neighbors within 400 feet of the property on December 20, 2023. The Public Notice sign was posted on the property by December 25, 2023.



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Maida Rubin, AICP, CFM  
Director, Planning and Zoning Department

Date: 12/22/23

Attachments:  
Application  
Ortho Map  
Zone Map

Village of Los Ranchos de Albuquerque  
6718 Rio Grande Boulevard NW  
Los Ranchos de Albuquerque, NM 87107  
Phone: (505) 344-6582 Fax: (505) 344-8978



**PAID**

REC # 98824

FOR OFFICIAL USE	
Zone <u>C-1</u>	SDP # <u>19-01</u>
Special Conditions <input type="checkbox"/>	
<u>\$250.00</u> fee	

**APPLICATION FOR SITE DEVELOPMENT PLAN – AMENDMENT**

**Address of Property** 7203 4<sup>th</sup> St. NW **Zip** 87107  
**Los Ranchos de Albuquerque**

**Closest Cross Streets** 4<sup>th</sup> St. NW & Roehl Rd. NW

**Subdivision** Zia View **Block** \_\_\_\_\_ **Lot No.** 7

**Tract No.** 101506309021231117 **MRGCD Map No.** \_\_\_\_\_ **Acreage of Property** 0.5227

**PROPERTY OWNER** David Newman

**Home/Mailing address** 7103 Fourth St. NW, Bldg. G, Los Ranchos, NM **Zip** 87107  
Street City

**Telephone** 505-238-9787 **Cell** \_\_\_\_\_ **Fax** \_\_\_\_\_

**Nature of Amendment: Submit Site Development Plan with revisions to original.**

Proposed building addition of two (2) portals/patio covers to be less than twenty percent (20%) of the existing building area. One addition will be an approximately 175-square foot (5' x 35') attached shade structure to the south side of the existing building, as well as an approximate 299-square foot (13' x 23') attached covered porch addition to the east side of the existing building. The total square footage of the existing building after new construction will be 6,475 square feet in area (net change of 7.9%).

 10/23/23  
**Signature of Property owner (or submit affidavit of agent)** **Date**

\_\_\_\_\_  
**Signature of Contractor/Agent)** **Date**

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

**Preliminary Amendment Site Development Plans approved with Conditions through (see attached individualized items.) Final approval of the Site Development Plan must address these items.**

**ALL FEES GENERATED BY THIS REQUEST ARE THE RESPONSIBILITY OF THE APPLICANT AND ARE DUE AND PAYABLE UPON NOTICE FROM THE VILLAGE.**

**Application submittal: Meet with Planning staff for instruction**

NMLTCO File: 60104

①

### WARRANTY DEED

Clarence and Jena Baca a/k/a Jenna Baca, Trustees of the Baca's Trees Inc., Profit Sharing Trust, for consideration paid, grant to Newman Investment Properties, LLC, a New Mexico Limited Liability Company, whose address is, 7103 Fourth Street NW, Building G., Los Ranchos, NM, 87107 the following described real estate in Bernalillo County, New Mexico:

Lots numbered Five (5), Six (6) and Seven (7), Zia View, as the same is shown and designated on the plat thereof entitled 'PROJECTED SECTION 21, T11N, R3E, N.M.P.M., ELENA GALLEGOS GRANT, VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, DECEMBER 2019, as filed in the office of the County Clerk of Bernalillo County, New Mexico, on September 17, 2020, as document no. 2020090333.


SUBJECT TO: Restrictions, Reservations and Easements of record.

with warranty covenants.

Witness this 7th day of October, 2020.



By: Clarence Baca, Trustee of the Baca's Trees Inc., Profit Sharing Trust



By: Jena Baca a/k/a Jenna Baca, Trustee of the Baca's Trees Inc., Profit Sharing Trust

### ACKNOWLEDGMENT FOR NATURAL PERSONS

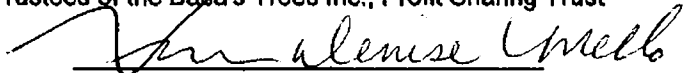
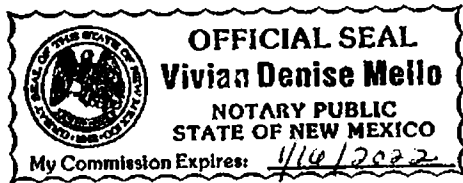
STATE OF NEW MEXICO

COUNTY OF Bernalillo

This instrument was acknowledged before me on October 7, 2020, by

Clarence Baca and Jena Baca a/k/a Jenna Baca, Trustees of the Baca's Trees Inc., Profit Sharing Trust

Commission Expires: 1/14/2022

  
Notary Public





**SITE PLAN LEGEND:**

1. RECOAT EXISTING DRIVEWAY AND RESTRIPE TO INCLUDE NEW PARKING LAYOUT. STALLS OFF 4TH STREET TO BE 8'-6" X 18'-0" AND 60 DEGREE BACK UP PARKING PER THE TOWN OF LOS RANCHOS MASTERPLAN. PARKING IN REAR OF BUILDINGS TO BE STANDARD PARKING STALLS AT 9'-0" X 18'-0".
2. NEW CONCRETE ADA PARKING STALLS AT 9'-0" X 18'-0".
3. NEW STRIPED ACCESS ISLE. SLOPE OF ISLE TO BE LESS THAN 2% IN ALL DIRECTIONS OF TRAVEL.
4. NEW ADA CURB RAMP.
5. NEW CONCRETE WHEEL STOPS AT ALL PARKING SPACES.
6. NEW 6" CONCRETE CURB PER THE TOWN OF LOS RANCHOS.
7. NEW DRIVEPAD TO LEAD ONTO REAR PARKING.
8. NEW BRICK SIDEWALK TO MATCH THAT OF LOS RANCHOS MASTERPLAN.
9. NEW LANDSCAPE AREA WITH NATIVE, SEMI NATIVE, AND DROUGHT TOLERANT PLANTS. OWNER TO INSTALL NEW DRIP IRRIGATION SYSTEM FOR ALL NEW PLANTS.
10. NEW REFUSE ENCLOSURE.
11. NEW 1'-0" X 1'-6" SIGN THAT READS "ONE WAY".
12. NEW 3'-0" X 3'-0" SIGN THAT READS "WRONG WAY DO NOT ENTER".
13. EXISTING POWER POLE TO REMAIN.
14. NEW 5'-0" CONCRETE SIDEWALK. SLOPE TO BE LESS THAN 5% IN DIRECTIONS OF TRAVEL AND LESS THAN 2% CROSS SLOPE.
15. EXISTING TREE TO REMAIN.
16. EXISTING OUTDOOR SEATING AREA FOR TENANT IN 7201 4TH STREET.
17. NEW SURFACE MOUNTED BIKE RACK.
18. EXISTING PORTAL AT EAST BUILDING FASCAD TO REMAIN.
19. NEW PORTAL AT SOUTH BUILDING FASCAD AND ON EAST SIDE OF SUITE LOCATED AT 7201 TO BE CONSTRUCTED. NEW PORTALS TO MATCH THE EXISTING ONE ON THE EAST FASCAD.
20. NEW 3'-0 X 5'-0" BUILDING MOUNTED SIGNAGE FOR EACH SUITE IN BUILDING. SIGNAGE TO BE BACKLIT AND TO COMPLY WITH VILLAGE SIGNAGE STANDARDS.
21. EXISTING DRAIN TO REMAIN.

**BUILDING INFORMATION:**

NUMBER OF SUITES:	6 TOTAL SUITES
TOTAL BUILDING AREA:	6,244 SF
PARKING STALLS:	
STANDARD PARKING:	17 SPACES
ADA PARKING:	2 SPACES
<b>TOTAL</b>	<b>19 SPACES</b>
LANDSCAPE AREAS:	5,298 SF

**LANDSCAPE CALCULATIONS**

MINIMUM OF 20% OF THE NET LOT AREA OF EACH DEVELOPMENT SHALL CONTAIN LANDSCAPING PER TOWN OF LOS RANCHOS

SITE AREA	22,749 SF
BUILDING AREA	6,244 SF
<b>NET AREA:</b>	<b>16,505 SF</b>
LANDSCAPE REQUIRED 20% OF NET LOT AREA	3,301 SF REQUIRED
LANDSCAPE PROVIDED	
a.	469 SF
b.	1,211 SF
c.	396 SF
d.	1,434 SF
<b>TOTAL</b>	<b>3,510 SF PROVIDED</b>

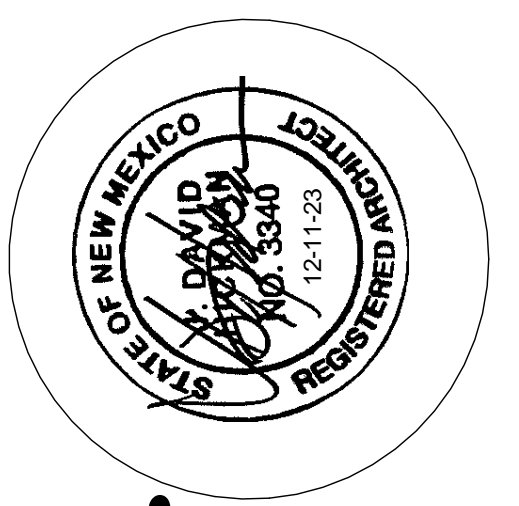
**PLANT LIST:**

- GRASSES  
A. ALKALI SACATON (NATIVE)
- SHRUBS  
B. FOURWING SALT BUSH (NATIVE)
- TREES  
C. WESTERN SOAPBERRY (NATIVE)  
D. DESERT WILLOW (NATIVE)

**LANDSCAPING GENERAL NOTES:**

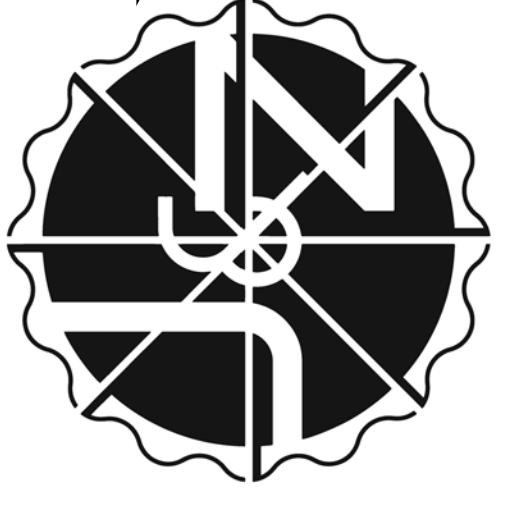
1. MINIMUM OF ONE SHADE TREE OR ORNAMENTAL TREE PLANTED FOR EACH 500 SF OF REQUIRED LANDSCAPED AREA.
2. TREES SHALL BE AT LEAST 2" IN CALIPER MEASURED AT THE TRUNK TWO FEET ABOVE GRADE OR THE TREE SHALL BE AT LEAST 10' - 12' AT THE TIME OF PLANTING.
3. GROUND COVER SHALL BE PLANTED TO PROVIDE GENERAL GROUND COVERAGE WITHIN ONE GROWING SEASON AFTER PLANTING.
4. SHRUBS AND BUSHES SHALL BE AT LEAST 5 GALLON OR LARGER CONTAINER SIZES.
5. VEGETATION THAT HAS THORNS OR SPINES IS NOT ALLOWED ADJACENT TO THE PEDESTRIAN WALKWAY.

easy as pie



**JEEBS & ZUZU, LLC.**  
**Architecture**  
**Construction**  
**Design-Build**

5924 ANAHEIM AVENUE NE SUITE A  
 ALBUQUERQUE, NM 87113  
 P. 505-797-1318



<b>job no:</b>	23-00/
<b>drawn:</b>	IG
<b>checked:</b>	J&Z
<b>date:</b>	12/11/2023

www.jeebsandzuzu.com

**Infusion Center**  
 7203 4TH ST NW



# 7201 Fourth St 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

138 0 69 138 Feet

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
12/22/2023 © City of Albuquerque

1: 826

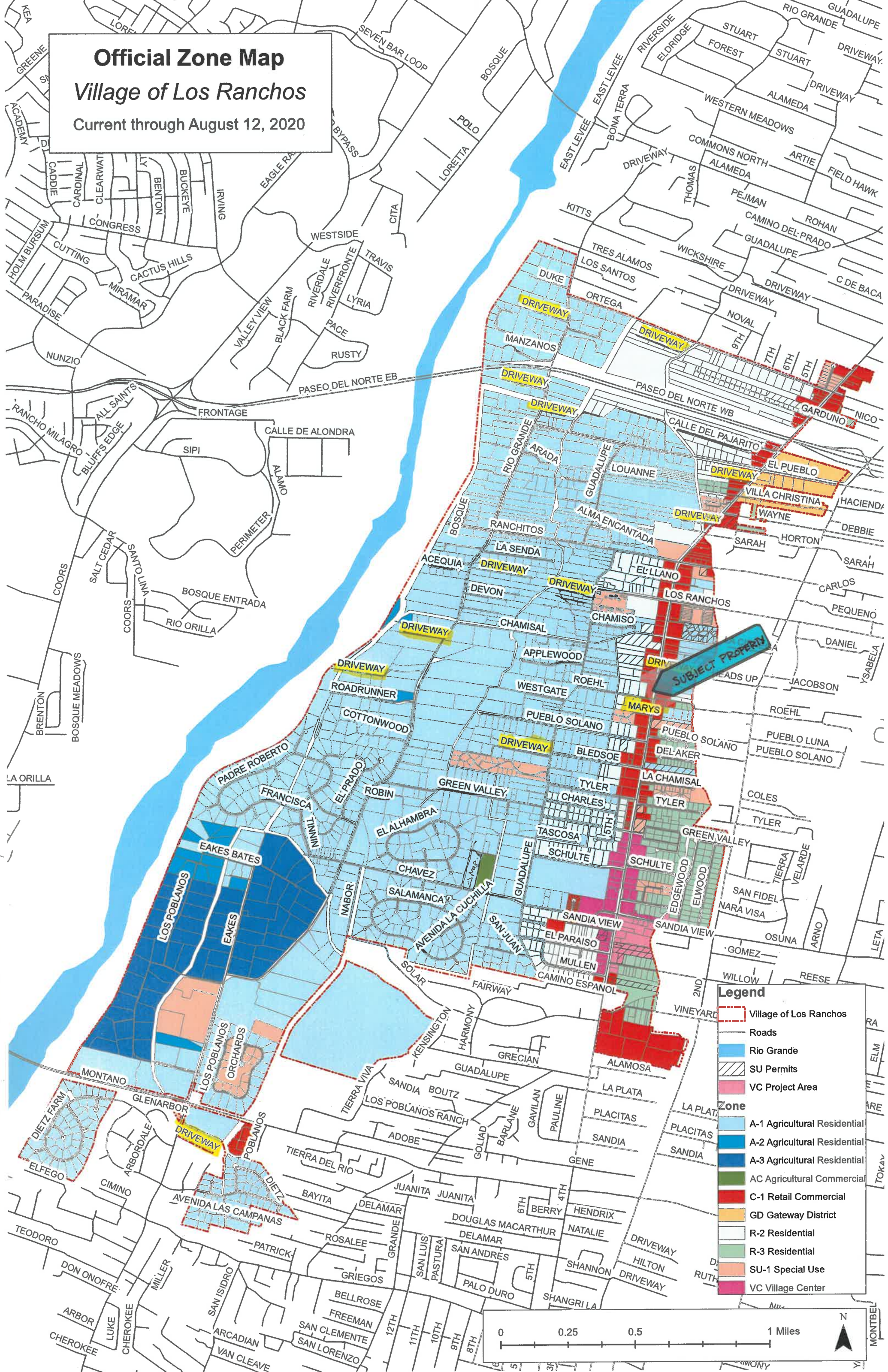
The City of Albuquerque ("City") provides the data on this website as a service to the public. The City makes no warranty, representation, or guaranty as to the content, accuracy, timeliness, or completeness of any of the data provided at this website. Please visit <http://www.cabq.gov/abq-data/abq-data-disclaimer-1>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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

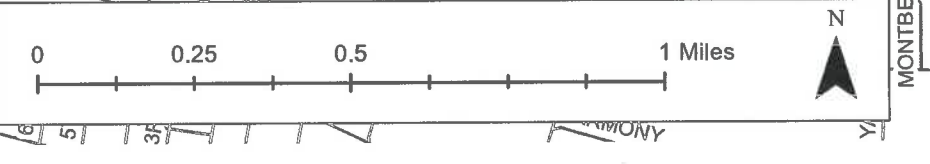
# Official Zone Map

## Village of Los Ranchos

Current through August 12, 2020

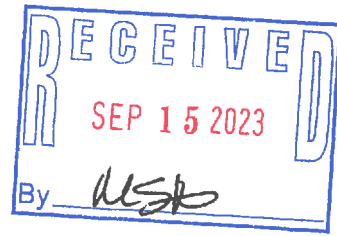


Legend	
	Village of Los Ranchos
	Roads
	Rio Grande
	SU Permits
	VC Project Area
Zone	
	A-1 Agricultural Residential
	A-2 Agricultural Residential
	A-3 Agricultural Residential
	AC Agricultural Commercial
	C-1 Retail Commercial
	GD Gateway District
	R-2 Residential
	R-3 Residential
	SU-1 Special Use
	VC Village Center



September 15, 2023

Michelle S. Austin  
Village of Los Ranchos  
6718 Rio Grande Blvd NW  
Los Ranchos, New Mexico 87107



Dear Ms Austin,

Regarding file #SDP 19-01 (amendment) we wish for you to NOT grant approval for this request.

Sincerely yours,

Carl Starr

Nancy Starr

513 Roehl NW,  
Los Ranchos, New Mexico 87107

(505) 975-2321, (505) 975-1936.

- B. VA 23-08;** A request by John Moser for a variance from § 9.2.10(E)(2)(a) requiring a 10-foot side yard setback distance to allow an addition to an existing single-family dwelling to be 5 feet, ½ inches from the side property line. The property is located at 415 Pueblo Solano Rd. NW, Los Ranchos, NM, 87107, and is legally described as Lot 5, Pueblo Solano Addition, All of Lot 5 Excluding the West 50 Feet. The property contains 0.5969 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:** December 22, 2023

**REPORT NO.** PZ-24-01

**File:** V-23-08

**ISSUED BY:** Planning and Zoning Department

**SUBJECT:** A request for a Variance from §9.2.10(E)(2)(a) requiring a 10-foot side yard setback distance. The property is zoned R-2 and is located in the 4<sup>th</sup> Street Character Area.

**APPLICANT:** John Moser

**AGENT:** Yolanda Montoya, RM Design, Inc.

**LOCATION AND LEGAL:**

The property is located at 415 Pueblo Solano Rd. NW and is legally known Lot 5, Pueblo Solano Addition, All of Lot 5 Excluding the West 50 Feet. The property contains 0.5969 acres more or less.

**PROJECT:**

The owner is seeking a permit to construct an addition (105-sq. ft. utility room and 504-sq. ft. deck) to an existing home. The home is currently located just 4 feet, 2½ inches from the east side property line and appears to be nonconforming to the current 10-foot side yard setback requirement. The applicant is requesting a variance to the standard to allow the proposed utility room and deck to be 5 feet, ½ inches from the side property line. In their written justification, the owner indicates that the subject property is “irregular or unusually narrow in shape” and that the lot is “smaller and size and width” as compared to other properties in the surrounding area.

**SURROUNDING LAND USES:**

The properties to the east and west are zoned R-2, while those to the north are zoned SU-1 Special Use for PRD (Planned Residential Development), and those to the south are zoned R-2, one parcel with a Special Use Permit for SF (Single-Family) Dwelling and Three Apartments, respectively. All properties are within the 4<sup>th</sup> Street Character Area.

**RELEVANT CODE LANGUAGE**

**§9.2.10 R-2 RESIDENTIAL ZONE (1 residential unit/one-half (.5) acre)**

**(E) AREA REGULATIONS.**

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

**(a)** A 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:**

##### **§9.2.25(E)(7)(a)1.**, 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 policy supports the implementation of, and adherence to, established setback requirements of the R-2 zone. While the existence of the home within the 10-foot side yard setback area appears to be nonconforming to current standards, §9.2.23(C) of the zoning code is specific that additions to nonconforming buildings must not increase the degree of nonconformity and comply with Village development regulations. *Does not 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, as noted above. Adherence to setback requirements ensures uniform, predictable growth patterns, prevents overcrowding of land, and promotes community safety standards. Non-compliance with current setback standards, especially when the need for the variance appears to

be solely the design choice of the applicant, could be detrimental to adjacent properties, the neighborhood, and the community. *Does not conform.*

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

Hardship criteria **9.2.25 E (7)(b)1:** Staff finds that the reported physical characteristics of the lot – that it is “irregular or unusually narrow in shape” and that it is “smaller and size and width” as compared to other properties in the surrounding area – do not result in an unnecessary hardship. The subject site meets the half-acre lot size requirement of the R-2 zone and exceeds the 60-foot lot width standard. Comparison to slightly larger lots in the neighborhood is irrelevant, as the size and width of the subject site does not result in it being exceptional by reason of physical characteristics of the land. *Does not conform.*

Hardship criteria **9.2.25 E (7)(b)1. – 4.:** Staff also finds that other relevant hardship factors are not achieved. Specifically, there do not appear to be any unique, exceptional characteristics associated with the property that result in the need for the variance. Additionally, the site is not irregular or unusually narrow in shape to limit the owner’s use of the lot, and there do not appear to be circumstances associated with the lot which create a condition under which no reasonable use can be made of the land without the requested variance.

In short, the requested variance seems to be based solely on the desires of the applicant, not on special features associated with the property. There appears to be sufficient area available to allow for the proposed addition while meeting applicable Village setback standards.

**DEPARTMENT RECOMMENDATIONS AND FINDINGS:**

The Department recommends **denial of V-23-08**, a request for a Variance from §9.2.10(E)(2)(a) requiring a 10-foot side yard setback distance to allow an addition to an existing home to be just 5 feet, ½ inches from the east side property line of the subject site in the R-2 zone within the 4<sup>th</sup> Street Character Area, with the following Findings:

**Findings:**

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

**(a)(1)** The application is not in conformance with the Master Plan in the following sections:

**2.1.2 Village Form Policies & Action Steps,  
Policy A Action Steps**

Enforce Village zoning and Ordinance requirements.

**(a)(2)** The Variance is contrary to the public interest, does not protect and foster the character of the vicinity and Village, and will cause material adverse impacts on adjacent property, the neighborhood, or the community.

**(a)(3)** Owing to special conditions, a literal enforcement of this Chapter 9 will not result in unnecessary hardship.

**(b)** Unnecessary Hardship Criteria are not met: #1 through #5.

**(c)** Subsections 3 and 4 are not met; subsections 1, 2, 5, and 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 sufficiently meets the requirements of §9.2.25(E)(7)(a) 1-3, (b) 1-5, and (c) 1-6:

- (a)(1) The Variance is in conformance with the goals and policies of the Village Master Plan. Policy A Action Steps states, "Enforce Village zoning and Ordinance requirements." However, this application has been determined to meet the Hardship Criteria as required by the Village Code for the granting of a variance.
- (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 #5 is met.
- (c) Subsections 1 through 6 are met.

Public notice requirements have been met by publication in the *Albuquerque Journal* on December 25, 2023. The Public Notice was sent by mail to all neighbors within 300 feet of the property on December 20, 2023. The Public Notice sign was posted on the property by December 25, 2023.

  
 \_\_\_\_\_  
 Maida Rubin, AICP, CFM  
 Director, Planning and Zoning Department

Date: 12/22/23

- Attachments:
- Application
  - Ortho Map
  - Zone Atlas Map

Received 10/27/2023

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-2</u>	V # <u>23-08</u>	Date: <u>10/27/23</u>
Related Cases _____	Receipt # <u>988841</u>	
Character Area <u>4<sup>th</sup> St Character Area</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: 415 Pueblo Solano Los Ranchos de Albuquerque Zip: \_\_\_\_\_

Property Acreage .59 Nature of Variance Request: \_\_\_\_\_

Legal Description (Only if property has no formal address)

Subdivision \_\_\_\_\_ Block \_\_\_\_\_ Lot No. \_\_\_\_\_ Tract No. \_\_\_\_\_ MRGCD Map No. \_\_\_\_\_

#### PROPERTY OWNER

Name: John Moser

Mailing address: 415 Pueblo Solano Los Ranchos 87107  
Street City Zip

Telephone: 505-485-3714 Email: Johnmoser90@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: Yolanda Montoya Title: Agent

Business Name: Rm Design Inc

Mailing address: 8724 Alameda Park Dr NE Albuq 87113  
Street City Zip

Telephone: 505-823-6474 Email: londie.mo4@gmail.com

#### 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](http://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: \_\_\_\_\_

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

## **415 Pueblo Solano**

### **Los Ranchos de Albuquerque, NM 87107**

**(a)**

- 1. The variance conformance with the goals and policies of the Village Master Plan. Which the proposed addition will fit in with the existing Master Plan. The addition will also follow the existing structure of the house. The proposed utility room already has an existing roof over where the proposed utility room will be located. All we will be doing is framing 2 new walls to enclose that existing covered porch.**
- 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. The proposed utility room already has an existing roof over where the proposed utility room will be located. All we will be doing is framing 2 new walls to enclose that existing covered porch. We also propose to add a deck in the back of the house which will be along the full length of the back of the house. The deck is an open deck and will not have a roof system over it.**
- 3. Owing to special conditions, a literal enforcement of this chapter 9 will result in unnecessary hardship. By not allowing me to use my existing roofed area as part of my heated space.**

**(b)**

- 3. The parcel is irregular or unusually narrow in shape and the condition existed when provisions were adopted or were created by natural force or government action for which no compensation was paid. Most all the surrounding properties on Pueblo Solano are larger in acreage and wider than the property we are requesting the variance for.**

**(c)**

- 1. The requested variance will not have authorized a zone change or will not affect the zoning of any property.**
- 2. Financial gain or loss shall never be the deciding factor in granting a variance unless the property owner is deprived of all economically feasible use of the property.**
- 3. The requested variance differs from that allowed in this Chapter 9 only enough to relieve the alleged hardship.**
- 4. The alleged hardship was not self-imposed by the property owner.**

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

**6. Each 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.**

**In conclusion, I am including a printed map that comes from Bernalillo County maps. It depicts the property lines, and you can clearly see that the lot that we are requesting to have a variance granted is smaller in size and width.**



410 Pueblo Solano  
.60 Acres

427 Pueblo Solano  
.74 Acres

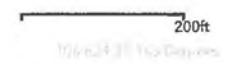
423 Pueblo Solano  
.74 Acres

424 Pueblo Solano  
.65 Acres

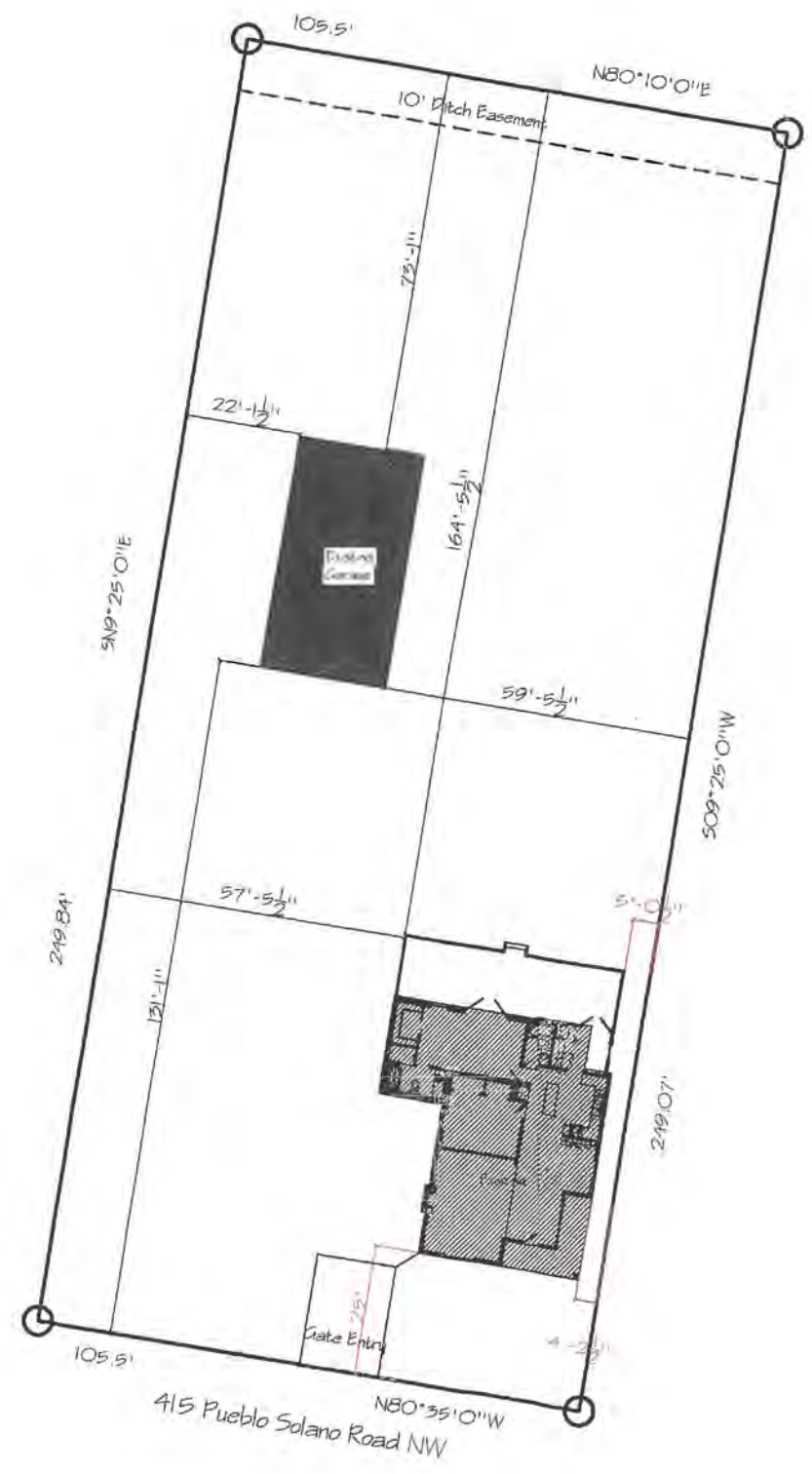
416 Pueblo Solano  
.89 Acres

412 Pueblo Solano  
.90 Acres

411 Pueblo Solano  
.88 Acres



Minimum 10' Between Buildings



Curb Cut Required?  Yes  No  
 No Curb Cut Required Rolled Curb

Legal Description
Lot _____
Block _____
Subdivision _____
County _____

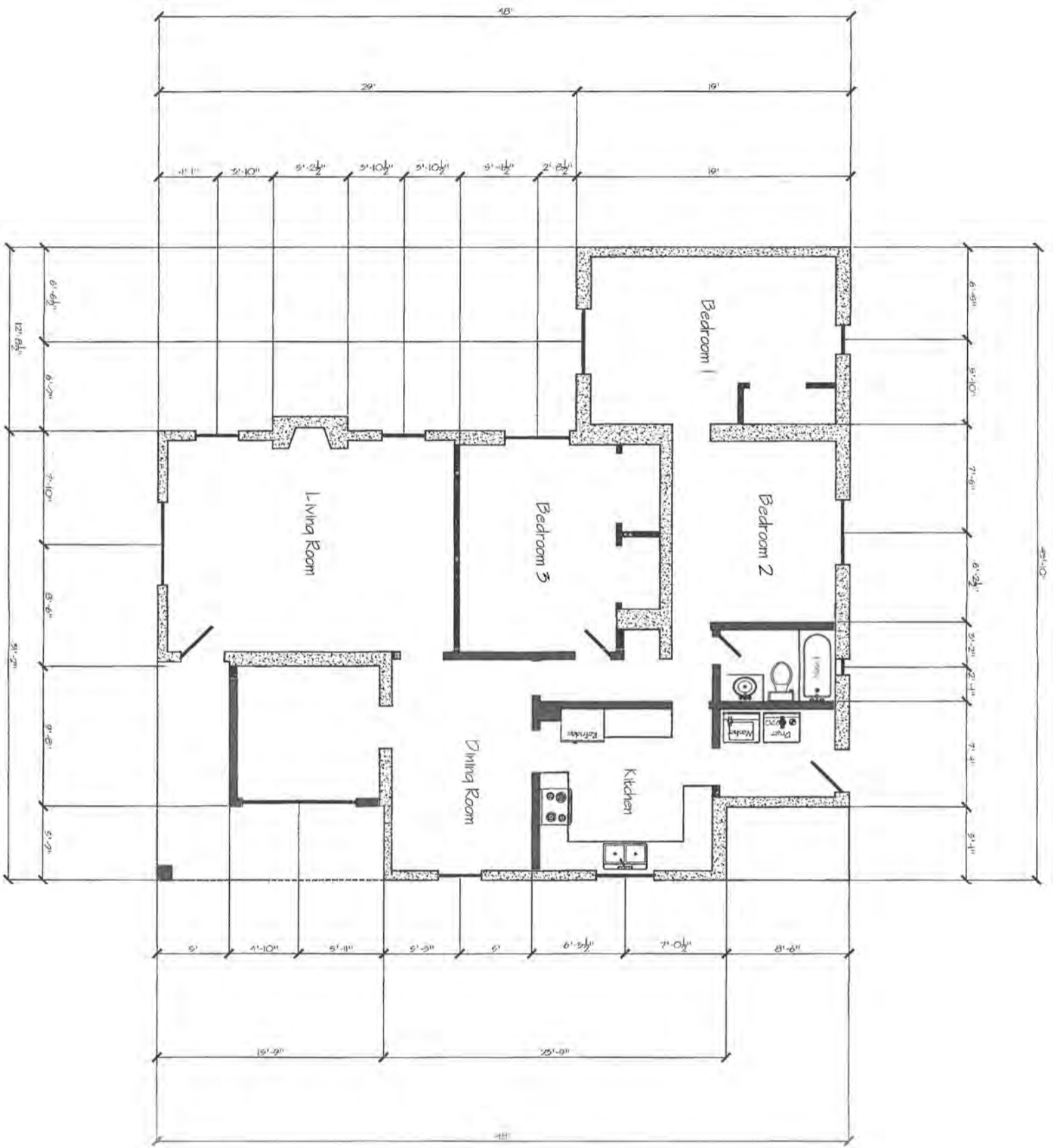
# Site Plan

Scale 1/16" = 1'

Final Drawing Checked By:	Sheet
1. R. Montoya	_____
2. _____	_____
3. _____	_____
Of 11 Sheets	

RM Design Incorporated  
 Residential Design and Drafting Services Fax: 825-6487  
 8724 Alameda Park Drive N.E., Suite G Albuquerque  
 (505) 825-6474 Cell: (505) 825-6777

415 Pueblo Solano Road NW Oct. 10, 2023  
 Cool Breeze Construction Site Plan



# Existing Floor Plan

Scale 1/4" = 1'

1	Red Drawing
2	Checked by
3	L. E. Melina

Sheet  
2  
Of 11 Sheets

415 Pueblo Solano Alb, New Mexico  
Cool Breeze Construction

Oct. 10, 2023  
Existing Floor Plan

RM Design Incorporated  
Residential Design and Drafting Services Fax 823-6487  
8724 Alameda Park Drive N.E., Suite G Albuquerque  
(505) 823-6474 Cell. (505) 823 6777





Return To:  
Fidelity National Title of New Mexico Inc.  
8500 Menaul Blvd. NE, Suite B-150  
Albuquerque, NM 87112

GF No.: SP000146663

**WARRANTY DEED**

Joseph Kramer, who acquired title as Joseph James Kramer and Susan Beth Core, husband and wife  
for consideration paid, grant to

John Moser, a married man as his sole and separate property

whose address is 415 Pueblo Solano Road NW, Los Ranchos De Albuquerque, NM 87107

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


Tract numbered Five (5), excepting the West Fifty feet (W. 50') thereof, Plat of PUEBLO SOLANO, a  
Subdivision in School District 4, Bernalillo County, New Mexico, as the same is shown and designated on  
the plat thereof, filed in the office of the County Clerk of Bernalillo County, New Mexico, on November 21,  
1934, in Plat Book B, Folio 57.

with warranty covenants.

SUBJECT TO Patent, reservations, restrictions, and easements of record and to taxes for the year 2023, and  
subsequent years.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.


Dated: 28 Feb 2023

  
\_\_\_\_\_  
Joseph Kramer

  
\_\_\_\_\_  
Susan Beth Core

State of NEW MEXICO  
County of BERNALILLO

This instrument was acknowledged before me on this 28 day of February, 2023, by Joseph  
Kramer and Susan Beth Core, husband and wife.

  
\_\_\_\_\_  
Notary Public  
My Commission Expires:

[SEAL]

STATE OF NEW MEXICO  
NOTARY PUBLIC  
Elizabeth De Santiago  
Commission No. 1111580  
August 19, 2023

## **5. OLD BUSINESS**

*There is no Old Business*

## **6. NEW BUSINESS**

### **A. Adoption of Resolutions for 2024**

1. Adoption of Resolution 2024-1 Planning & Zoning – Open Meetings Act

**VILLAGE OF LOS RANCHOS DE ALBUQUERQUE  
PLANNING & ZONING COMMISSION**

**RESOLUTION NO. 2024-1-P&Z**

**A RESOLUTION CONCERNING PLANNING AND ZONING COMMISSION  
MEETING AND PUBLIC NOTICE REQUIRED.**

**Whereas**, the Village of Los Ranchos de Albuquerque Planning and Zoning Commission met in a regular session on January 9, 2024 at 7:00 P.M.; and

**Whereas**, the Planning and Zoning Commission is to adopt rules for the notice of meetings to the public that are consistent with the applicable provisions of the New Mexico Open Meetings Act, §10-15-1 to 10-15-4 NMSA (1978)

**NOW, THEREFORE, BE IT RESOLVED** by the Planning and Zoning Commission of the Village of Los Ranchos de Albuquerque that:

**1. PLACE**

All meetings of the Planning and Zoning Commission of the Village of Los Ranchos de Albuquerque shall be held at the Warren J. Gray Village Hall, 6718 Rio Grande Blvd. NW, at 7:00 p.m., unless otherwise indicated in the meeting notice.

**2. REGULAR MEETINGS**

Unless otherwise specified, regular meetings shall be held on the second Tuesday of each month. If the meeting day is a holiday the meeting will take place on the following Tuesday. The agenda will be available to the public at least seventy-two (72) hours prior to the meeting from the Director of Planning and Zoning, whose office is at 6718 Rio Grande Blvd. NW.

Notice requirements shall be met by posting notice of the date, time, location and general subject matter to be discussed at the meeting, in the following posting places within the Village of Los Ranchos de Albuquerque:

- 1) Marquee bulletin board outside the front door of Village Hall.
- 2) Marquee bulletin board near the handball court at Hartnett Park.
- 3) On the Village website at [www.losranchosnm.gov](http://www.losranchosnm.gov).
- 4) In a newspaper of general circulation.

**3. SPECIAL MEETINGS**

Special meetings of the Planning and Zoning Commission may be called by the Chair or a majority of the Commissioners upon three (3) days notice. Notice of special meetings shall be posted seventy-two (72) hours prior to the special meeting, based on the state holiday schedule.

#### 4. **RECONVENED MEETINGS**

The Planning and Zoning Commission will hold reconvened meetings only on an exceptional basis and only to meet time constraints for planning and zoning actions imposed by the Village of Los Ranchos de Albuquerque. Only matters appearing on the agenda of the original meeting may be discussed at the reconvened meeting.

#### 5. **MEETING MINUTES**

Minutes of open meetings of the Planning and Zoning Commission shall be a concise, but accurate written summary of all subject matter discussed in addition to the following minimal information:

- 1) The date, time and place of the meeting,
- 2) The names of staff members who addressed the Planning and Zoning Commission and a list of members present.
- 3) A statement of proposals that were considered, and
- 4) A summary record of discussion and final action of the Commission.
  - A. A draft copy of the minutes shall be prepared within ten (10) working days of the meeting. Draft copies of these minutes shall be available for public inspection and should clearly indicate on the draft that they are not the official minutes and are subject to approval by the Planning and Zoning Commission at a subsequent meeting.

#### 6. **ELECTION OF OFFICERS**

Chair, Vice Chair, and Secretary shall be elected annually at the Planning and Zoning Commission's regularly scheduled March meeting.

**APPROVED AND ADOPTED**, by the Planning and Zoning Commission of the Village of Los Ranchos de Albuquerque this 9<sup>th</sup> day of January, 2024.

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Chair  
Planning and Zoning Commission

## **7. REPORTS**

### **A. Planning Department Report**

## DEPARTMENT REPORT – NOVEMBER & DECEMBER

Michelle Austin is processing day-to-day permit applications (parcel permits, commercial signs, solar, fences/walls, and zone review permits). She has also been assembling Commission meeting minutes, agendas, and meeting packets. Michelle is has been processing 2023 business license renewals and home occupation permit renewals. In December there was a high volume of business license renewals.

Thomas Sanchez is patrolling the Village and is working with property owners to bring their properties into compliance. He is writing first, second, and final notice of violation letters for various properties, investigating issues per complaints, and escalating matters to court when a violation is not addressed. He is responding to complaints for various property issues.

Brennon Williams has been processing public hearing applications, working with citizens on potential public hearing applications, responding to daily inquiries, reviewing building plans, and processing other administrative applications, including minor subdivisions and zoning certifications.

Maida Rubin has been processing public hearing applications, working with citizens on potential projects, responding to daily inquiries, and processing administrative applications. The Citizens Advisory Committee (CAC) has been meeting to discuss proposed text amendments to Ordinance 284: Conservation Development Pilot Projects. There will be two public meetings to present the recommended changes on February 1<sup>st</sup>, 2024, one at 2pm and the other at 5:30 pm.

The November Board of Trustees meeting was canceled. At their December meeting, the Board approved a Craft Distiller Liquor License application requested by Still Spirits LLC at 7201 4th St. NW. The Board also approved a Conservation Development Standards Permit, Preliminary Site Development Plan, and Preliminary Plat for a residential development at 6535 Guadalupe Trail NW. Lastly, the Board appointed two new Planning Commissioners! Welcome John Edward and Gwenn Baldwin!



## **8. COMMISSIONERS' INFORMAL DISCUSSION**

## **9. ADJOURNMENT**