



CITY OF ALBUQUERQUE
OFFICE OF ADMINISTRATIVE HEARINGS
ZONING HEARING EXAMINER
NOTIFICATION OF DECISION

PHILLIP ZWIEFELHOFER requests a special exception to Section 14-16-2-14(E)(2) and 14-16-2-6(B)(3) : a CONDITIONAL USE to allow an existing carport in the required side yard setback for all or a portion of Lot 99, Prairie Ridge Unit 2 zoned R-D, located on 4401 SPANISH BROOM CT NW (E-12)

Special Exception No:..... **16ZHE-80173**
Project No:..... **Project# 1010899**
Hearing Date:..... 08-16-16
Closing of Public Record:..... 08-16-16
Date of Decision: 08-31-16

On the 16th day of August, 2016, PHILLIP ZWIEFELHOFER (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow an existing carport in the required side yard setback (“Application”) upon the real property located at 4401 SPANISH BROOM CT NW (“Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a conditional use to allow an existing carport in the required side yard setback.
2. Applicant has agreed to enter into the Land Use Facilitation Program with neighbors who appeared at the hearing and are concerned about the existing carport.

DECISION:

REFERRED to Land Use Facilitation Program and DEFERRED to September 20, 2016

If you wish to appeal this decision, you must do so by September 15, 2016, in the manner described below. A non-refundable filing fee will be calculated at the Planning Department’s Land Development Coordination counter and is required at the time the Appeal is filed.

Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, Planning Application Counter located on the west side of the lobby. **Please present this letter of notification when filing an appeal.** When an application is withdrawn, the fee shall not be refunded.

An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of the opponents, if any are known, and the appellant.

Please note that pursuant to Section 14. 16. 4. 4. (B), of the City of Albuquerque Comprehensive Zoning Code, you must demonstrate that you have legal standing to file an appeal as defined.

You will receive notice if any other person files an appeal. If there is no appeal, you can receive building permits any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. However, the Zoning Hearing Examiner may allow issuance of building permits if the public hearing produces no objection of any kind to the approval of an application. To receive this approval, the applicant agrees in writing to return the building permit or occupation tax number.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for any related building permit or occupation tax number. Approval of a conditional use or a variance application is void after one year from date of approval if the rights and privileges are granted, thereby have not been executed or utilized.



Christopher L. Graeser, Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File
phill_zw@yahoo.com
gulotaxidea@gmail.com
phillipzw@yahoo.com
lynbut@live.com
Carl Katzmarek 4333 Spanish Broom NW 87120