



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

MARLO PRIETO/ RENE PRIETO requests a special exception to Section 14-16-3-19(A)(2)(a) : a VARIANCE of 3 ft to the required 3 ft wall height in the front yard setback for all or a portion of Lot 23-P1, Block 4, Sunrise Meadows Unit 2 zoned R-T, located on 839 TERRACOTTA PL SW (L-9)

Special Exception No:..... \*IR\* 15ZHE-80288  
Project No:..... Project# 1010677  
Hearing Date:..... 01-19-16  
Closing of Public Record:..... 01-19-16  
Date of Decision: ..... 02-03-16

On the 19th day of January, 2016(hereinafter “**Hearing**”) MARLO PRIETO/ RENE PRIETO (hereinafter “**Applicant**”) appeared before the Zoning Hearing Examiner (hereinafter “**ZHE**”) requesting a Variance of 3 ft to the required 3 ft wall height in the front yard setback (hereinafter “**Application**”) upon the real property located at 839 TERRACOTTA PL SW (“**Subject Property**”).

**FINDINGS:**

All required noticing was not completed by the hearing date.

**DECISION:**

**DEFERRAL** to the February 16, 2016 hearing.

If you wish to appeal this decision, you may do so in the manner described below:

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 **Please present this letter of notification when filing an appeal.** When an application is withdrawn, the fee shall not be refunded.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.

  
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Christopher L. Graeser, Esq.  
Zoning Hearing Examiner

cc: Zoning Enforcement  
ZHE File