



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

FORREST EVANS requests a special exception to Section 14-16-3-19 (A)(2)(a): a VARIANCE request of 3' to the 3' maximum height allowed for an existing fence in the required front yard setback area for all or a portion of Lot 5A, SIERRA VISTA ADDN zoned R-1, located on 2825 SIERRA VISTA ST SW (H-13)

Special Exception No:14ZHE-80203
Project No:Project# 1010202
Hearing Date:January 23, 2015
Closing of Public Record:January 23, 2015
Date of Decision:.....02-06-2015

On the 23rd day of January, 2015 (hereinafter "**Hearing**") FORREST EVANS (hereinafter "**Applicant**") appeared before the Zoning Hearing Examiner (hereinafter "**ZHE**") requesting a Variance of 3' to the 3' maximum height allowed for an existing fence (hereinafter "**Application**") upon the real property located at 2825 SIERRA VISTA ST SW ("**Subject Property**"). Below are the findings of facts:

FINDINGS:

1. Applicant is requesting a Variance of 3' to the 3' maximum height allowed for an existing fence.
2. Applicant testified at the Hearing that the yellow "Notice of Hearing" signs were posted for the required time period as articulated within City of Albuquerque Code of Ordinances § 14-16-4-2 (B) (4).
3. Applicant testified at the Hearing that the property owner would reduce the height of the wall from 6' to 3' within the front yard. This voluntary change to the design (height) of the wall was accepted by the ZHE, and it is noteworthy that the reduction in height from 6' to 3' renders the wall in compliance with the Albuquerque Zoning Code and therefore the Variance application is not required. Accordingly, there will only be a Notice of Decision reflecting the wall compliance with the Zoning Code, upon the change to the height of the wall from 6' to 3' as promised by the Applicant.

CONCLUSIONS OF LAW:

The Applicant has represented that the property owner will reduce the height of the wall from 6' to 3' which complies with the regulations in the Zoning Code.

DECISION:

APPLICANT represented that the property owner will reduce the height of the wall from 6' to 3' which complies with the regulations in the Zoning Code.

CONDITIONS OF APPROVAL:

The Applicant voluntarily agreed to reduce the height of the wall from 6' to 3'. The ZHE affirmatively states that a wall height of 3' is permissive in the Zoning Code.

If you wish to appeal this decision, you may do so by 5:00 p.m., on February 23, 2015 in the manner described below:

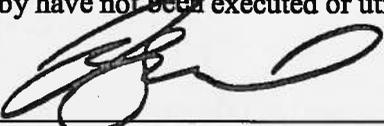
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, 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.



Joshua J. Skarsgard, Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File
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