



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

GUADALUPE CHAVEZ requests a special exception to Section 14-16-3-19(A)(2)(a) : a VARIANCE request of 3 ft to the 3 ft maximum wall height to allow an existing 6 ft wall in the front setback area for all or a portion of Lot 24, Block J, Desert Springs Unit 5 zoned R-LT, located on 7609 DESERT MORNING RD SW (M-10)

Special Exception No:..... *IR* 16ZHE-80059
Project No:..... Project# 1010760
Hearing Date:..... 06-21-16
Closing of Public Record:..... 06-21-16
Date of Decision: 07-06-16

On the 21st day of June, 2016, GUADALUPE CHAVEZ (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 3 ft to the 3 ft maximum wall height to allow an existing 6 ft wall in the front setback (“Application”) upon the real property located at 7609 DESERT MORNING RD SW (“Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

Applicant has requested to defer this matter to the July 19, 2016 ZHE agenda to allow him time to revise the application to comply with the requirements of the traffic engineer regarding the clear sign triangle.

DECISION:

DEFERRAL to July 19, 2016.

If you wish to appeal this decision, you must do so by July 21, 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 **Please present this letter of notification when filing an appeal.** When an application is withdrawn, the fee shall not be refunded.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