



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

THOMAS F HELDT, JR AND MARIAN A HELDT requests a special exception to Section 14-16-3-19(A)(2)(a): a VARIANCE of 3' to the maximum 3' height allowed for a proposed wall in the front yard setback area for all or a portion of Lot 9, Block C, CIELO DORADO zoned R-D, located on 7409 ELDERWOOD DR NW (H-10)

Special Exception No:..... **15ZHE-80072**  
Project No:..... **Project# 1010427**  
Hearing Date:..... 05-19-2015  
Closing of Public Record:..... 05-19-2015  
Date of Decision: ..... 05-29-2015

On the 19th day of May, 2015 (hereinafter “**Hearing**”) THOMAS F HELDT , JR AND MARIAN A HELDT (hereinafter “**Applicant**”) appeared before the Zoning Hearing Examiner (hereinafter “**ZHE**”) requesting a Variance of 3' to the maximum 3' height allowed for a proposed wall in the front yard setback area (hereinafter “**Application**”) upon the real property located at 7409 ELDERWOOD DR NW (“**Subject Property**”). Below are the findings of facts:

**FINDINGS:**

1. Applicant is requesting a Variance of 3' to the maximum 3' height allowed for a proposed wall in the front yard setback area.
2. The ZHE took testimony at the Hearing and was preparing to issue a Notice of Decision before noticing that there exists a seven foot (7') power and communication easement (as shown on the survey submitted by the Applicant) that runs directly through the proposed wall location.
3. The ZHE is going to “Continue” this case to the June 2015 ZHE Hearing to provide the Applicant a chance to investigate the easement document and decipher whether they have the right to construct a 6 foot CMU block wall directly in the middle of the power and communication easement that is seven feet wide located north of the sidewalk on the Subject Property.

**DECISION:**

**CONTINUANCE to the JUNE ZHE HEARING.**

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**letter of notification when filing an appeal.** When an application is withdrawn, the fee shall not be refunded.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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Zoning Hearing Examiner

cc: Zoning Enforcement  
ZHE File  
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