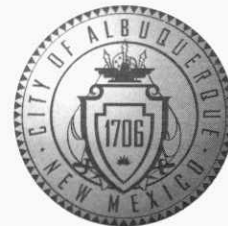


# CITY OF ALBUQUERQUE



## Planning Department

Suzanne Lubar, Director

Urban Design & Development Division

600 2nd Street NW – 3rd Floor

Albuquerque, NM 87102

### CITY OF ALBUQUERQUE BOARD OF APPEALS NOTIFICATION OF DECISION

Randy & Cynthia Price appeals the Zoning Hearing Examiner’s Approval with Conditions of a special exception to p. 108, Nob Hill Highland Sector Development Plan and 14-16-3-19(A)(2)(a): a Variance of 1 foot to the maximum 3 foot height allowed in the front yard setback for an existing fence for Lot 18, Block 30, University Heights Addition, zoned R-1, located at 313 Dartmouth Dr. SE (K-16).

Appeal No: ..... 16BOA-20011  
Special Exception No: ..... 16ZHE-80053  
Project No: ..... 1010752  
Hearing Date: ..... 10/25/2016

In the matter of **16BOA-20011**, the Zoning Board of Appeals (BOA) voted to **DEFER** the above referenced case to November 22, 2016 based on the following findings.

- PO Box 12931. This is an APPEAL of the Zoning Hearing Examiner’s (ZHE) conditional APPROVAL of a SPECIAL EXCEPTION pursuant to Zoning Code §14-16-4-2(C)(2), Variance Criteria: a variance of 1 foot to the maximum 3 feet height allowed for a wall or fence in the front yard setback [Zoning Code §14-16-3-19(A)(2)(a)] to allow for an approximately 4 foot existing fence (the “application”).
- Albuquerque
- NM 87103 2. The subject site is described as Lot 18, Block 30, University Heights Addition, containing approximately 0.16 acre and located at 313 Dartmouth Dr. SE (the “subject property”). The subject property is within the boundaries of the Nob Hill/Highland Sector Development Plan (NHSDP), the Nob Hill Neighborhood Association, and the District 6 Coalition.
- www.cabq.gov 3. The subject property is located in the University Heights area and is developed with a single-family home, which is on the western side of Dartmouth Dr. SE, between Lead and Coal Avenues SE. The applicant owns the subject property.
- 4. The Albuquerque/Bernalillo County Comprehensive Plan, the NHSDP, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
- 5. The applicant is requesting deferral of this case to November 22, 2016 because they just had twins and Mrs. Price is not able to participate at this time.

If you wish to appeal this decision, you must do so by **November 9, 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 TO THE CITY COUNCIL:** Any person aggrieved with any determination of the Board of Appeals acting under this ordinance may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department within 15 days of the Board of Appeals decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for the filing of the Appeal.

The City Council may decline to hear the Appeal if it finds that all City plans, policies and ordinances have been properly followed. If it decides that all City plans, policies, and ordinances have not been properly followed, it shall hear the Appeal. Such an appeal, if heard, shall be opened within 60 days of the expiration of the appeal period.

Should you have any questions regarding this action, please call our office at (505) 924-3860.

Suzanne Lubar, Planning Director

cc: Catalina Lehner, Planning Department- [clehner@cabq.gov](mailto:clehner@cabq.gov)  
Andrew Garcia, Zoning Enforcement, Planning Department- [agarcia@cabq.gov](mailto:agarcia@cabq.gov)  
Chris Tebo, Legal Department, City Hall, 4<sup>th</sup> Floor- [ctebo@cabq.gov](mailto:ctebo@cabq.gov)  
Lorena Patten-Quintana/Planning Department- [lpatten-quintata@cabq.gov](mailto:lpatten-quintata@cabq.gov)  
BOA File  
[cynthiaprice505@gmail.com](mailto:cynthiaprice505@gmail.com)  
[505price@gmail.com](mailto:505price@gmail.com)  
[ronhalbgemachs@people.com](mailto:ronhalbgemachs@people.com)  
[mmyers@moplaw.com](mailto:mmyers@moplaw.com)  
[nblacktbc@gmail.com](mailto:nblacktbc@gmail.com)  
Veronica Salinas – 336 Aliso Dr. NE, 87108