



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

Edward Standefer requests a variance of 5ft to the 3ft maximum wall height for Lot 6, Block 23, Parkland Hills Addn, located at 712 Carlisle Blvd SE, zoned R-1D [Section 14-16-5-7(D)]

Special Exception No:..... **VA-2020-00225**
Project No: **Project#2020-004085**
Hearing Date: 09-15-20
Closing of Public Record: 09-15-20
Date of Decision: 09-30-20

On the 15th day of September, 2020, property owner Edward Standefer (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 5ft to the 3ft maximum wall height (“Application”) upon the real property located at 712 Carlisle Blvd SE (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. The City of Albuquerque Integrated Development Ordinance, Section 14-16-6-6(N)(3)(a) (Variance-Review and Decision Criteria) reads: “... *an application for a Variance-ZHE shall be approved if it meets all of the following criteria:*
 - (1) *There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.*
 - (2) *The Variance will not be materially contrary to the public safety, health, or welfare.*
 - (3) *The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.*
 - (4) *The Variance will not materially undermine the intent and purpose of the IDO or the applicable zone district.*
 - (5) *The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.”*
2. The Applicant bears the burden of ensuring there is evidence in the record supporting a finding that the above criteria are met under Section 14-16-6-4(N)(1).
3. Based on evidence submitted into the record as of completion of the ZHE hearing on September 15, 2020, the ZHE is not convinced that substantial evidence exists to satisfy the above-referenced requirements.
4. Applicant is granted a deferral of this matter to allow Applicant to timely submit additional evidence in this matter.

5. The deferral is also granted to allow the public to timely submit additional evidence in this matter.

DECISION:

DEFERRAL of the Application to be heard at the ZHE hearing at 9:00 a.m. on October 20, 2020.

APPEAL:

If you wish to appeal this decision, you must do so by October 15, 2020 pursuant to Section 14-16-6-4(U), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

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.



Robert Lucero, Esq.
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cc:

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CITY OF ALBUQUERQUE
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ZONING HEARING EXAMINER
NOTIFICATION OF DECISION

Edward Standefer requests a variance of 20ft to the 20ft required front yard setback for Lot 6, Block 23, Parkland Hills Addn, located at 712 Carlisle Blvd SE, zoned R-1D [Section 14-16-5-1]

Special Exception No:..... **VA-2020-00226**
Project No: **Project#2020-004085**
Hearing Date: 09-15-20
Closing of Public Record: 09-15-20
Date of Decision: 09-30-20

On the 15th day of September, 2020, property owner Edward Standefer (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 20ft to the 20ft required front yard setback (“Application”) upon the real property located at 712 Carlisle Blvd SE (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. The City of Albuquerque Integrated Development Ordinance, Section 14-16-6-6(N)(3)(a) (Variance-Review and Decision Criteria) reads: “... *an application for a Variance-ZHE shall be approved if it meets all of the following criteria:*
 - (1) *There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.*
 - (2) *The Variance will not be materially contrary to the public safety, health, or welfare.*
 - (3) *The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.*
 - (4) *The Variance will not materially undermine the intent and purpose of the IDO or the applicable zone district.*
 - (5) *The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.”*
2. The Applicant bears the burden of ensuring there is evidence in the record supporting a finding that the above criteria are met under Section 14-16-6-4(N)(1).
3. Based on evidence submitted into the record as of completion of the ZHE hearing on September 15, 2020, the ZHE is not convinced that substantial evidence exists to satisfy the above-referenced requirements.

4. Applicant is granted a deferral of this matter to allow Applicant to timely submit additional evidence in this matter.
5. The deferral is also granted to allow the public to timely submit additional evidence in this matter.

DECISION:

DEFERRAL of the Application to be heard at the ZHE hearing at 9:00 a.m. on October 20, 2020.

APPEAL:

If you wish to appeal this decision, you must do so by October 15, 2020 pursuant to Section 14-16-6-4(U), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

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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Edward Standefer requests a variance of 10 ft to the 10ft required side yard setback for Lot 6, Block 23, Parkland Hills Addn, located at 712 Carlisle Blvd SE, zoned R-1D [Section 14-16-5-1]

Special Exception No:..... **VA-2020-00227**
Project No: **Project#2020-004085**
Hearing Date: 09-15-20
Closing of Public Record: 09-15-20
Date of Decision: 09-30-20

On the 15th day of September, 2020, property owner Edward Standefer (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 10 ft to the 10ft required side yard setback (“Application”) upon the real property located at 712 Carlisle Blvd SE (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. The City of Albuquerque Integrated Development Ordinance, Section 14-16-6-6(N)(3)(a) (Variance-Review and Decision Criteria) reads: “... *an application for a Variance-ZHE shall be approved if it meets all of the following criteria:*
 - (1) *There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.*
 - (2) *The Variance will not be materially contrary to the public safety, health, or welfare.*
 - (3) *The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.*
 - (4) *The Variance will not materially undermine the intent and purpose of the IDO or the applicable zone district.*
 - (5) *The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.”*
2. The Applicant bears the burden of ensuring there is evidence in the record supporting a finding that the above criteria are met under Section 14-16-6-4(N)(1).
3. Based on evidence submitted into the record as of completion of the ZHE hearing on September 15, 2020, the ZHE is not convinced that substantial evidence exists to satisfy the above-referenced requirements.
4. Applicant is granted a deferral of this matter to allow Applicant to timely submit additional evidence in this matter.

5. The deferral is also granted to allow the public to timely submit additional evidence in this matter.

DECISION:

DEFERRAL of the Application to be heard at the ZHE hearing at 9:00 a.m. on October 20, 2020.

APPEAL:

If you wish to appeal this decision, you must do so by October 15, 2020 pursuant to Section 14-16-6-4(U), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

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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