



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

Ariel Cano & Donna T requests a variance for a 6 foot wall Lot 3, Block 9, Mandell Addn No 2, located at 2800 4TH ST NW, zoned MX-M [Section 14-16-5-7(D)]

Special Exception No:..... **VA-2021-00120**
Project No: **Project#2021-005413**
Hearing Date: 07-20-21
Closing of Public Record: 07-20-21
Date of Decision: 08-04-21

On the 20th day of July, 2021, property owners Ariel Cano & Donna T (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance for a 6-foot wall (“Application”) upon the real property located at 2800 4TH ST NW (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Neighborhood Association representatives were generally supportive of the proposed fence. However, concerns were raised regarding the location of the proposed fence and applicability of potential street-tree and setback requirements in relation to the Fourth Street right-of-way.
2. Applicant should be granted a deferral to address the applicability of such potential requirements discussed in the immediately previous paragraph, including by showing the location of the proposed fence in relation to the Fourth Street right-of-way.
3. The Subject Property is zoned MX-M and is used for commercial purposes, which eliminates the potential of Applicant applying for a Permit-Wall or Fence-Major. For the proposed fence to be eligible for approval as currently proposed (5-foot high, see-through wrought iron), Applicant must satisfy the requirements for a variance.
4. While Applicant has submitted a written justification for a Permit-Wall or Fence-Major, Applicant has not submitted a written justification for a variance.
5. Applicant should be granted a deferral to submit a written justification for a variance with supporting evidence.

DECISION:

DEFERRAL of the Application to be heard at the ZHE hearing beginning at 9:00 a.m. on August 17, 2021.

APPEAL:

If you wish to appeal this decision, you must do so by August 19, 2021 pursuant to Section 14-16-6-4(V), 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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Zoning Hearing Examiner

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