



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

Giuseppe Moscardelli requests a permit wall major in the front and street side yard for Lot 13, Block 28, Monte Vista Addn, located at 3519 Berkeley PL NE, zoned R-1B [Section 14-16-5-7(D)(3)(g)]

Special Exception No:..... **VA-2022-00206**
Project No: **Project#2022-007414**
Hearing Date: 09-20-22
Closing of Public Record: 09-20-22
Date of Decision: 10-05-22

On the 20th day of September, 2022, property owner Giuseppe Moscardelli (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a permit wall major in the front and street side yard (“Application”) upon the real property located at 3519 Berkeley PL NE (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a permit wall major in the front yard and street side yard.
2. The Subject Property is a lot with low-density residential development located in the Monte Vista and College View Historic District small area.
3. Applicant appeared at the September 20, 2022 ZHE hearing in this matter and submitted evidence and testimony on behalf of the Application.
4. Applicant testified as to the factors that motivated him to construct the wall for which he seeks the permit wall major in the Application, and the ZHE can certainly understand Applicant’s motivation.
5. Unfortunately, however, City Integrated Development Ordinance (IDO) Section 14-16-5-7(D)(3)(a)(3)(b) prohibits walls greater than 3 feet in in any front or street side yard in the Monte Vista and College View Historic District small area. This prohibition requires the ZHE to deny the Application, as the cited section of the IDO states that “[n]o Permit – Wall or Fence – Major or Variance to this provision is allowed” in the Monte Vista and College View Historic District small area.

DECISION:

DENIAL of a permit wall major in the front yard and street side yard.

APPEAL:

If you wish to appeal this decision, you must do so by October 20, 2022 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

cc:

ZHE File
Zoning Enforcement
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