

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

ANDREW MONIE request(s) a special exception to Section 14-16-2-8(E)(2) and PAGE 101 E of the Sawmill/Wells Park Sector Development Plan: a VARIANCE of 11'4" to the required rear yard setback area for an existing building in a proposed replat for all or a portion of Lot(s) 1-A and 1-B, ARIAS ACRES zoned S-R, located on 1501 15TH ST NW (J-13)

Special Exception No:..... **12ZHE-80142**
Project No: **Project# 1009247**
Hearing Date: June 19, 2012
Closing of Public Record: June 19, 2012
Date of Decision: July 3, 2012

On June 19, 2012, the Interim Zoning Hearing Examiner heard Project# 1009246, 12ZHE-80142, a variance of 11.4' to the required rear yard setback area for an existing building in a proposed re-plat at 1501 15th St NW.

SUMMARY:

1. Andrew Monie requests a variance of 11.4' to the required rear yard setback area for an existing building in a proposed re-plat.
2. Mr. Monie has owned the property for 10 years.
3. Mr. Monie testified that the exceptionality of his lot is that it is an extremely odd shaped lot.
4. Mr. Monie testified that the hardship that he would incur would be the inability to re-plat the property to accommodate an existing family dwelling.
5. Mr. Monie testified that he has been to the Development Review Board for the re-platting action. The Board suggested that he come before the ZHE for the variance request.
6. Mr. Monie testified that the request will not significantly interfere with the enjoyment of other land in the vicinity due to the fact that there is industrial property to the north and that a single family home will not impact the site.
7. Mr. Monie testified that access to his property is not on a public street.
8. There are no letters of opposition in the file and no opposition at the hearing.
9. The yellow signs were posted at the property for the required time.

FINDINGS:

1. The property is exceptional.
2. The request will not interfere with the enjoyment of other properties in the vicinity and is consistent with the spirit of the Zoning Ordinance, the substantial justice and the general public interest.
3. The property is not on a public street.
4. There is no opposition to the request.
5. The yellow signs were posted for the required length of time.

CONCLUSIONS: Mr. Monie has met the burden for his special exception request for a variance of 11.4' to the required rear yard setback area for an existing building in a proposed re-plat at 1501 15th St NW.

DECISION: Approved.

If you wish to appeal this decision, you may do so by 5:00 p.m., on July 19, 2012 in the manner described below:

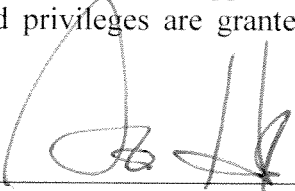
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, 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.



Stanley D. Harada, Esq.
Interim Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File
Andrew Monie, 1501 15th St NW, 87104