

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

MAURY RINGLER (BRAD MOORE, AGENT) request(s) a special exception to Section 14-16-2-6(4)(a): a VARIANCE of 5' to the required 10' maximum for a proposed addition in the side yard setback area for all or a portion of Lot(s) 18, Block(s) 7, BEAR CANYON VILLAGE UNIT 2 zoned R-1, located on 7419 GILA RD NE (E-19)

Special Exception No:..... **12ZHE-80169**
Project No: **Project# 1009273**
Hearing Date: June 19, 2012
Closing of Public Record: June 19, 2012
Date of Decision: July 5, 2012

On June 19, 2012, the Interim Zoning Hearing Examiner, Stanley D. Harada heard Project# 1009273, 12ZHE-80119, a variance of 5' to the required 10' maximum for a proposed addition in the side yard setback area at 7419 Gila Rd NE.

SUMMARY:

1. Brad Moore, agent for Maury Ringler requests a variance of 5' to the required 10' maximum for a proposed addition in the side yard setback area.
2. Mr. Moore testified that the property is a normal piece of property when explaining exceptionality.
3. Mr. Moore testified that there would be no impact to the existing property, there will still be access.
4. Mr. Moore testified that the variance request is to add a small addition to the kitchen of approximately 60 square feet.
5. Mr. Moore testified that the house was built in 1973 and the setbacks were 5' on each side at that time.
6. Mr. Moore stated the request is to allow the kitchen addition by reducing the side yard setback to 5' which was the original setback when the residence was constructed.
7. The applicant has owned the property for 30 years.
8. The yellow signs were posted for the required time.
9. There is no opposition to this request.

FINDINGS:

1. The property is not exceptional as compared to the other lots in the same vicinity.
2. The structures presently comply with setbacks and complied with setbacks in 1973 when they were built.

DECISION: Denied.

If you wish to appeal this decision, you may do so by 5:00 p.m., on July 20, 2012 in the manner described below:

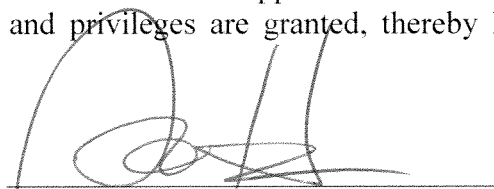
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, 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
Maury Ringler, 7419 Gila NE, 87109
Brad Moore, 4324 Bryan NW, 87114