

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

DAVID TOD (CHARITY TOD, AGENT) request(s) a special exception to Section 14-16-2-6(B)(14)(a)(2): a CONDITIONAL USE to allow a proposed 5' wall in the front yard setback area for all or a portion of Lot(s) 19, Block(s) 55-B, PRINCESS JEANNE PARK zoned R-1, located on 11000 MAHLON AVE NE (J-21)

Special Exception No:..... **12ZHE-80188**
Project No: **Project# 1009303**
Hearing Date: 08-07-12
Closing of Public Record: 08-07-12
Date of Decision: 08-20-12

On August 7, 2012, David Tod appeared in front of Interim Zoning Hearing Examiner, Stanley D. Harada requesting a conditional use to allow a proposed 5' wall in the front yard setback area at 11000 Mahlon Ave NE.

SUMMARY:

1. Mr. Tod requests a conditional use to allow a 5' wall on the front yard setback area at 11000 Mahlon Ave NE.
2. Mr. Tod testified that the conditional use to raise a 3' high fence to 5' in the front of the residence.
3. Mr. Tod testified that the wall will not be injurious and is needed to mitigate the high traffic, dogs and peddlers in the area. The wall will be a sound barrier.
4. Mr. Tod has owned the property since September 2010.
5. Ms. Tod testified that the wall will be constructed of solid CMU wall with a 3' wide trellis.
6. Mr. Tod testified that the wall will meet the design standards of the City of Albuquerque Zoning Code.
7. The Traffic Engineer Martin Carrasco had no adverse comments to the request.
8. There was no one present at the hearing to oppose the request.
9. The yellow signs were posted for the time required.

FINDINGS: Mr. Tod has met the burden of the special exception request. The property does not appear to show any evidence of being injurious to the surrounding community, nor will it damage any adjacent properties in the area.

DECISION: Approved

If you wish to appeal this decision, you may do so by 5:00 p.m., on September 3, 2012, in the manner described below:

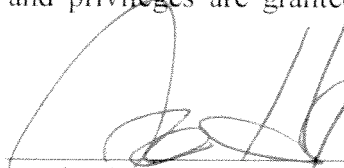
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level,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

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
David and Charity Tod, 11000 Mahlon Ave NE 87112