

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

NORA CATHERINE ARMIJO request(s) a special exception to Section 14-16-3-3(A)(4)(3): a CONDITIONAL USE to allow a proposed 6' wall with wrought iron on a corner lot which the rear yard is contiguous to a front yard for all or a portion of Lot(s) 10, Block(s) 64, WESTGATE HEIGHTS ADDN UNIT 2 zoned R-1, located on 9400 REBA AV SW (M-9)

Special Exception No:..... **12ZHE-80191**
Project No: **Project# 1009306**
Hearing Date: 08-07-12
Closing of Public Record: 08-07-12
Date of Decision: 08-20-12

On August 7, 2012, Nora Catherine Armijo appeared in front of Interim Zoning Hearing Examiner, Stanley D. Harada requesting a conditional use to allow a proposed 6' wall with wrought iron on a corner lot at 9400 Reba Ave SW.

SUMMARY:

1. Ms. Armijo requests a conditional use to allow a 6' wall with wrought iron on a corner lot at 9400 Reba Av SW.
2. Ms. Armijo testified that the conditional use wants to raise a 3' high fence to 6' in the front and side of the residence.
3. Ms. Armijo testified that the wall will not be injurious to the surrounding community or damage any adjacent property, and is needed to mitigate the high traffic volume, kids from the local school throwing trash, and peddlers in the area.
4. Ms. Armijo testified that she would also like to open up a day care and needs to have a 6' high wall/fence that is required by the state. Ms. Armijo would also like to put in a swimming pool in the large front side yard. The rear yard is not large enough due to the odd shape of the corner lot.
5. Ms. Armijo has owned the property since 1984.
6. Ms. Armijo testified that the wall will be constructed of solid CMU slump block with 3' wrought iron on top of it.
7. Ms. Armijo testified that there is another wall built at 6' high in the neighborhood (1920 Benavidez SW).
8. Ms. Armijo testified that the wall will meet the design standards of the City of Albuquerque Zoning Code.
9. The Traffic Engineer Martin Carrasco had no adverse comments to the request.
10. Louis Garcia, who lives at 1205 94th St SW, was present and opposes the request.
11. Mr. Garcia does not want the 6' cinder block wall to be constructed along his property line, as it will block his visibility of his driveway.

12. Mr. Garcia would like a traffic analysis done during the year to test the traffic patterns.
13. As stated above, the traffic engineer has reviewed the site and does not have a problem with the clear sight triangle safety issue. There is an approved report from the traffic engineer in the file.
14. The yellow signs were posted for the time required.

FINDINGS: I feel that Ms Armijo has met the burden of the conditional use request to allow a proposed 6' high wall to be constructed at 9400 Reba Ave SW. 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.

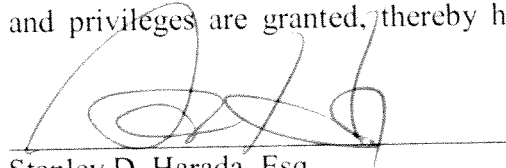
An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of the opponents, if any are known, and the 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.

A handwritten signature in black ink, appearing to read 'S. Harada', is written over a horizontal line.

Stanley D. Harada, Esq.
Interim Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File
Nora Catherine Armijo, 9400 Reba Ave SW 87121
Louis Garcia, 1205 94th St. SW 87121