

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

ARTHUR NAVARRO request(s) a special exception to Section 14-16-3-19(A)(1); a VARIANCE of 2' to the 8' allowed to allow an existing fence in the rear yard setback area for all or a portion of Lot(s) 3, Block(s) 15, WELLS SANDIA MANOR zoned R-1, located on 109 LAWRENCE DR NE (L-23)

Special Exception No:..... **12ZHE-80200**
Project No:..... **Project# 1009330**
Hearing Date:..... 08-21-12
Closing of Public Record:..... 08-21-12
Date of Decision:..... 09-06-12

On August 21, 2012, Arthur Navarro appeared before the Interim Hearing Officer, Stanley D. Harada, for a Variance of 2' to the allowed 8' high fence for an existing fence in the rear yard setback area.

SUMMARY:

1. Mr. Navarro testified that he is seeking a variance of 2' to the allowed 8' high fence in the rear yard setback area at 109 Lawrence Dr NE.
2. Mr. Navarro testified that the reason for the variance request is there is a major difference in elevation between his property and the adjacent apartments in the back of his yard.
3. Mr. Navarro testified that the 2nd floor of the adjacent apartment building can look directly into his property.
4. Mr. Navarro testified that this variance request if approved would give him some visual privacy and security, and will have privacy slats installed in the fence.
5. Mr. Navarro testified that the fence will be an attractive chain link fence.
6. Mr. Navarro testified that he did not obtain a permit to have the fence constructed. He was in contact with two fence contractors.
7. There is a letter of support in the file by Thomas Edwards.
8. There are no letters of support in the file, nor were there any opposition at the hearing.

FINDINGS: Mr. Navarro has met the burden for a variance of 2' to the allowed 8' high wall in the rear yard setback area.

DECISION: Approved with condition.

CONDITIONS:

1. The applicant shall obtain a permit for the construction of the fence.

If you wish to appeal this decision, you may do so by 5:00 p.m., on September 21, 2012, in the manner described below:

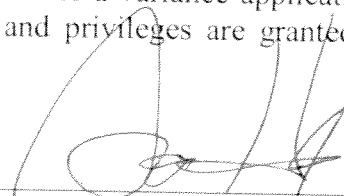
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, 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
Arthur Navarro, 109 Lawrence Dr. NE 87123
ZHE File