



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

DENNIS AND MELISSA KING request(s) a special exception to Section 14-16-3-19(A)(1)(c): a CONDITIONAL USE to allow a proposed 6' fence in the side yard setback area for all or a portion of Lot(s) 25, Block(s) 5, GUTIERREZ-OFIMIANO J LOWER TERRACE zoned R-1, located on 4601 PIEDRA LIZA ST NE (F-20)

Special Exception No:..... **12ZHE-80213**  
Project No:..... **Project# 1009348**  
Hearing Date:..... 08-21-12  
Closing of Public Record:..... 08-21-12  
Date of Decision:..... 09-06-12

On August 21 2012, Dennis King appeared in front of Interim Zoning Hearing Examiner, Stanley D. Harada requesting a conditional use to allow proposed 6' fence in the side yard set back area at 4601 Piedra Liza St NE.

**SUMMARY:**

1. Mr. King is requesting a conditional use to allow a 6' fence in the side yard set back area for safety and privacy for his family. There is currently no fence at the property.
2. Mr. King testified that his property is exceptional due to the fact that it is on a corner lot.
3. Mr. King also testified that this fence is going to be used for his dogs and utilize a dog run along 150-200 feet of the fence line.
4. Mr. King testified the fence will be a panel picket style.
5. Mr. King testified the fence will not be injurious to the surrounding community, or damage any adjacent structures.
6. Mr. King stated that he feels that the requested special exception will enhance the surrounding community.
7. There are no opposition letters in the file.
8. The yellow signs were posted for the required time.
9. The Traffic Engineer does not have any concerns with the clear sight triangle issue.

**FINDINGS:** Mr. King have met the burden for a conditional use to allow a 6' fence t be constructed in the side yard setback area. 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 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.



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Stanley D. Harada, Esq.  
Interim Zoning Hearing Examiner

cc: Zoning Enforcement  
Dennis And Melissa King, 4601 Piedra Liza St NE 87111  
ZHE File