

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

MARCELLA BALOGH request(s) a special exception to Section 14-16-2-6(B)(14) : a CONDITIONAL USE to allow an existing 4' chain link fence in the front yard setback area for all or a portion of Lot(s) 10, Block(s) B, CITY VIEW ESTATES UNIT A zoned R-1, located on 14209 DOMINGO RD NE (K-23)

Special Exception No:..... **12ZHE-80220**
Project No: **Project# 1009358**
Hearing Date: 09-18-12
Closing of Public Record: 09-18-12
Date of Decision: 10-03-12

On September 18, 2012 Marcella Balough appeared in front of Interim Zoning Hearing Examiner, Stanley D. Harada, for a conditional use an existing 4' high chain link fence in the front yard setback area at 14209 Domingo Rd NE.

SUMMARY:

1. Marcella Balogh requests a conditional use for an existing 4' high Chain link fence in the front yard setback area at 1429 Domingo Rd NE.
2. Ms. Adams testified that s would like to keep the fence up for safety reason for her family.
3. Ms. Balogh testified that she did not know that she needed a fence permit when she had it placed in her yard. She was not told by the company that put it up.
4. Ms. Balogh testified the fence has been up for 6 years.
5. Ms. Balogh testified that the proposed request would not be injurious to the surrounding community.
6. Ms. Balogh testified she has owned the property for 12 years.
7. There are no letters of opposition in the file, nor was there any opposition at the hearing.
8. The Traffic Engineer does not have any issue with the fence.
9. The yellow signs were posted for there required time.

CONCLUSION:

Marcella Balogh has met the burden to allow a conditional use for an existing 4' chain link fence in the front yard setback area at 1429 Domingo Rd NE.

DECISION: Approved with condition.

CONDITION:

1. Applicant must abide by the clear sight triangle issue, and shall not block the clear sight triangle with any objects.

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If you wish to appeal this decision, you may do so by 5:00 p.m., on October 18, 2012 in the manner described below:

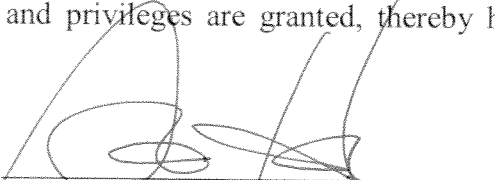
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level,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

Marcella Balogh, 14209 Domingo Rd NE 87123
ZHE File