

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

STAN & SARAH GUINN request(s) a special exception to Section Barelas Pg. 71 and 14-16-2-6(E)(5)(a): a VARIANCE of 3' 3 1/2" to the 15' rear yard setback area requirement for a proposed dwelling unit on all or a portion of Lot(s) 3 & 4, Block(s) T, ATLANTIC & PACIFIC ADDN zoned SU-2 R-1, located at 504 IRON AVE SW (K-14)

Special Exception No:..... **11ZHE-80195**
Project No: **Project# 1008921**
Hearing Date: 01-17-12
Closing of Public Record: 01-17-12
Date of Decision: 01-23-12

STATEMENT OF FACTS: The applicants, Stan & Sarah Guinn, request a variance of 3' 3 1/2 " to the 15' rear yard setback area requirement for a proposed dwelling unit. Ms. Guinn testified, at the hearing, that they have owned this property for approximately 6 years. She indicated that her lot is exceptional because it is larger than other parcels in the vicinity. If approved, there will be a main dwelling built as well as a casita to the rear of the property. The proposed casita will have a second kitchen and will be occupied by their children. Mr. Guinn was informed that the casita could not be used for rental purposes now or in the future. There is a letter of support from the Barelas Neighborhood Association noted in the file. The yellow sign was posted. There was no opposition to this request at the hearing, nor is there any opposition noted in the file.

Based on all of the testimony and a review of the entire file, it is determined that there is substantial evidence to make the following findings and conclusions:

FINDINGS AND CONCLUSIONS: I find that this parcel is exceptional as compared to other parcels in the vicinity because it is larger than other parcels in the area and, therefore, it meets the test for the granting of a variance as provided for by Section 14.16.4.2. I further find that, as a result of the exceptional aspect of the property, the regulations produce an unnecessary hardship in that it will limit the owner's reasonable use of the property and/or deprive the owner of a reasonable return on the property. Furthermore, I find that the particular variance is appropriate to prevent the unnecessary hardship and further find that the variance will differ from development which will be permitted under the existing regular zoning regulations no more than what is necessary to overcome the unnecessary hardship. Finally, the variance will not significantly interfere with the enjoyment of other land in the vicinity and is consistent with the spirit of the Zoning Ordinance, substantial justice and the general public interest.

DECISION: Approved with conditions.

CONDITIONS:

1. Ms. Guinn will ensure that this proposed casita will not be used now, or in the future, as a rental unit. Should the property become marketable, it may not be advertised as containing a potential rental unit. Occupants of the proposed addition may only be family members.
2. This approval will be immediately vacated if the applicant does not comply with these conditions.

The approval is subject to the submitted site plan, as required. Any substantial changes to the site plan, as determined by the Zoning Enforcement Division, shall require the scheduling of an additional Public Hearing.

A Building Permit must be applied for at the Building Permit Desk which is located at the Plaza del Sol Building, Ground Level on the east side of the lobby.

If you wish to appeal this decision, you may do so by 5:00 p.m., on February 17, 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.

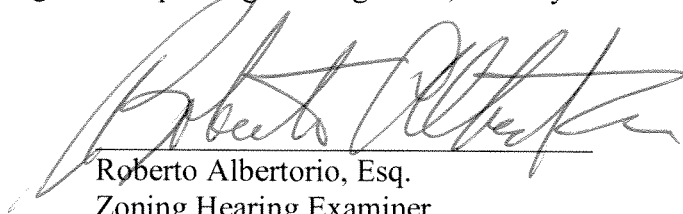
An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of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

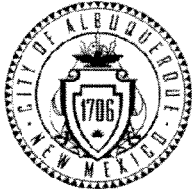
Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for 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.



Roberto Albertorio, Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File
Stan & Sarah Guinn, P.O. Box 2818, Corrales, NM 87048
Javier Benavidez, Barelás NA, 1115 Barelás Rd, SW, 87102
Wade Patterson, 1009 8th Street NW, 87102
Gordon Faulkner, 1112 Girard NE, 87106



CITY OF ALBUQUERQUE
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ZONING HEARING EXAMINER
NOTIFICATION OF DECISION

STAN & SARAH GUINN request(s) a special exception to Section Barelás Pg. 71 SU-2 R-1 A. and 14-16-2-9 (A) (2): A CONDITIONAL USE to allow proposed townhomes on all or a portion of Lot(s) 3 & 4, Block(s) T, ATLANTIC & PACIFIC ADDN zoned SU-2 R-1, located at 504 IRON AVE SW (K-14)

Special Exception No:..... **11ZHE-80281**
Project No: **Project# 1008921**
Hearing Date: 01-17-12
Closing of Public Record: 01-17-12
Date of Decision: 01-23-12

STATEMENT OF FACTS: The applicants, Stan & Sarah Guinn, request a conditional use to allow proposed townhomes. Ms. Guinn testified, at the hearing, that they have owned this property for approximately 6 years. She indicated that her lot is exceptional because it is larger than other parcels in the vicinity. If approved, there will be a main dwelling built as well as a casita to the rear of the property. The proposed casita will have a second kitchen and will be occupied by their children. Mr. Guinn was informed that the casita could not be used for rental purposes now or in the future. There is a letter of support from the Barelás Neighborhood Association noted in the file. The yellow sign was posted. There was no opposition to this request at the hearing, nor is there any opposition noted in the file.

Based on all of the testimony and a review of the entire file, it is determined that there is substantial evidence to make the following findings and conclusions:

FINDINGS AND CONCLUSIONS: I find that this request complies with Section 14.16.4.2.(C).1., for the granting of a conditional use upon a finding that the proposed use will not cause injury to the neighborhood, adjacent property or the community, nor will it be damaged by surrounding structures. For reasons stated above, this request is approved.

DECISION: Approved with conditions.

CONDITIONS:

1. Ms. Guinn will ensure that this proposed casita will not be used now, or in the future, as a rental unit. Should the property become marketable, it may not be advertised as containing a potential rental unit. Occupants of the proposed addition may only be family members.
2. This approval will be immediately vacated if the applicant does not comply with these conditions.

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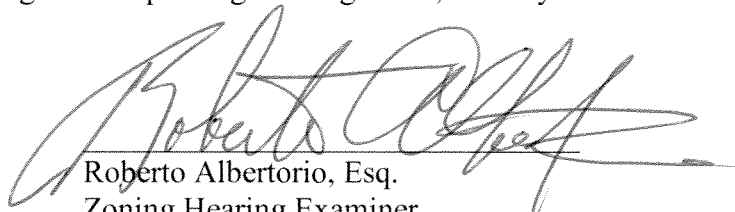
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