

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

FRANCES SARRADON request(s) a special exception to Section 14-16-4-13: a STATUS ESTABLISHED REVIEW for two existing dwellings in a RA-2 zone for all or a portion of Lot(s) A, CASALIS-MATTIEU & FRANCES zoned RA-2, located on 2935 CARLOTTA RD NW (H-12)

Special Exception No:..... **12ZHE-80098**
Project No: **Project# 1009196**
Hearing Date: 08-07-12
Closing of Public Record: 08-07-12
Date of Decision: 08-07-12

On August 7, 2012, Frances Sarradon appeared in front of Interim Zoning Hearing Examiner, Stanley D. Harada for a status established review for two existing dwellings in a RA-2 zone at 2935 Carlotta Rd NW.

SUMMARY:

1. Frances Sarradon requests a status established review for two existing dwelling sin a RA-2 zone.
2. Frances Sarradon testified that she has owned the property since 1975.
3. Mrs. Sarradon provided the following documents to prove that her units have existed prior to 1959.
 - a. 1949 and 1959 Arial photograph;
 - b. 1959 Directory;
 - c. 1993 Survey which was filed with the Bernalillo County Clerk on June 7, 1978; and
 - d. Affidavit of Frances Sarradon.
4. Mrs. Sarradon testified that she resides in one unit and rents the other unit. The rented unit is her retirement income and picks tenants who will respect and love the neighborhood.
5. Mrs. Sarradon testified that there is enough off street parking on the property.
6. There are three letters of support in the file from Will and Johanna De May, Joan V. Burke and Carol Pendleton.
7. There are no letters of opposition nor was there any opposition at the hearing.
8. The yellow signs were posted for the prescribed time.

FINDINGS: Mrs. Sarradon has proved the burden by providing significant documentation to show that the dwellings existed prior to 1959.

DECISION: Approved with conditions.

CONDITIONS: Any alteration of up to 25% to the total square footage of the existing dwellings will require a separate application for Special Exception for Expansion of Non-

Conforming Use. This approval will be immediately vacated if the applicant does not comply with these conditions.

If you wish to appeal this decision, you may do so by 5:00 p.m., on August 22, 2012 in the manner described below:

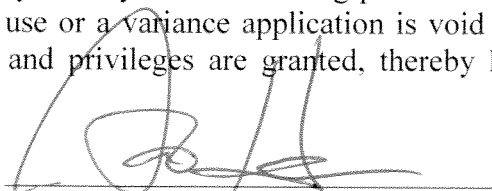
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, 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
ZHE File
Frances Sarradon, 2935 Carlotta Rd NW, 87104
Will and Johanna DeMay, 2925 Carlotta Road NW, 87104
Carol Pendleton, PO Box 7686, 87195