



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

EVA REYES request(s) a special exception to Section 14-16-2-6(B)(1): a CONDITIONAL USE to allow an existing accessory living quarters on all or a portion of Lot(s) 10, CAMPBELL ADDN NO 1 zoned R-1, located at 138 MESCALERO RD NW (G-15)

Special Exception No:..... **11ZHE-80125**
Project No: **Project# 1008817**
Hearing Date: 08-16-11
Closing of Public Record: 08-16-11
Date of Decision: 08-18-11

STATEMENT OF FACTS: The applicant, Eva Reyes, requests a conditional use to allow an existing accessory living quarters. This matter was initially scheduled to be heard at the June 21, 2011 public hearing, at which time Ms. Reyes failed to appear. This matter was automatically deferred to the July 19, 2011 public hearing and, again, the applicant failed to appear. A final hearing was scheduled for August 16, 2011 and once again, the applicant did not appear for this hearing. This office has not been contacted by Ms. Reyes with regard to this matter. Accordingly, this request has been denied due to the applicants' failure to appear at the public hearing for three consecutive months.

DECISION: Denied due to applicants' FTA.

If you wish to appeal this decision, you may do so by 5:00 p.m., on September 2, 2011 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 **Please present this letter of notification when filing an appeal.** When an application is withdrawn, the fee shall not be refunded.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.



Anita Reina, Esq.
Deputy Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File
Eva Reyes, 138 Mescalero Road NW, 87107