



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

PHOENIX E. FORRESTER request(s) a special exception to Section 14-16-2-6(B)(1) of the Huning Highland Sector Development Plan: a CONDITIONAL USE to allow an existing accessory living quarters in a SU-2 MR zone for all or a portion of Lot(s) 11, Block(s) 17, HUNINGS HIGHLAND ADDITION zoned SU-2 MR, located on 418 ARNO ST SE (K-14)

Special Exception No: **12ZHE-80202**
Project No: **Project# 1009335**
Hearing Date: 08-21-12
Closing of Public Record: 08-21-12
Date of Decision: 09-06-12

On August 21 2012, Phoenix E. Forrester appeared in front of Interim Zoning Hearing Examiner, Stanley D. Harada requesting a conditional use to allow proposed accessory living quarters at 418 Arno St SE.

SUMMARY:

1. Ms. Forrester testified she is seeking a special exception request for accessory living quarters for family, friends, and guests.
2. Ms. Forrester testified that the accessory living quarters will be 180 square feet.
3. Ms. Forrester testified that the main house is only 929 square feet with one bedroom, and is not big enough to accommodate guests.
4. Ms. Forrester testified that the accessory structure will be improved to accommodate the new use, while keeping the same size.
5. Ms. Forrester testified that the request will not be injurious to the surrounding community.
6. Ms. Forrester testified that she has owned the residence since 2003.
7. Ms. Forrester testified that she spoke to the neighbors to the south and got no adverse comments from them.
8. There are no letters of opposition to the request on file.
9. The yellow signs were posted for the required time.

FINDINGS: Ms. Phoenix Forrester has met the burden of a conditional use request to allow an accessory living quarters. 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.



Stanley D. Harada, Esq.
Interim Zoning Hearing Examiner

cc: Zoning Enforcement
Phoenix Forrester, 418 Arno St SE 87102
ZHE File