

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
ZONING HEARING EXAMINER
NOTIFICATION OF DECISION

MARY FRIEDMAN (MATTHEW MULLET, AGENT) request(s) a special exception to Section 14-16-2-6(B)(1): a CONDITIONAL USE to allow an accessory living quarters in the rear yard setback area for all or a portion of Lot(s) 15, Block(s) 1, CIBOLA ADDITION zoned R-1, located on 2519 CALLEJON DR NE (H-23)

Special Exception No:..... **12ZHE-80293**
Project No: **Project# 1009434**
Hearing Date: 10-16-12
Closing of Public Record: 10-16-12
Date of Decision:..... 10-31-12

On October 16, 2012, Matthew Mullet, agent for Mary Friedman appeared before Zoning Hearing Examiner, Joshua Skarsgard, requesting a conditional use for a proposed accessory living quarters in the rear yard setback area at 2519 Callejon Dr NE. Below are the findings of facts.

FINDINGS:

1. Mary Friedman requests a conditional use for a proposed accessory living quarters at 2519 Callejon Dr NE.
2. The City of Albuquerque Code of Ordinances Section § 14-16-4-2 (C) (1) (a) "SPECIAL EXCEPTIONS" reads in part: "*A conditional use shall be approved if and only if, in the circumstances of the particular case and under conditions imposed, the use proposed will not be injurious to the adjacent property, the neighborhood, or the community.*"
3. Matthew Mullet, general contractor and agent for Mrs. Friedman testified that the request would not be injurious to the surrounding community because the property sits on a large lot.
4. The City of Albuquerque Code of Ordinances Section § 14-16-4-2 (C) (1) (b) "SPECIAL EXCEPTIONS" reads in part: "*A conditional use shall be approved if and only if, in the circumstances of the particular case and under conditions imposed, the use proposed will not be significantly damaged by surrounding structures or activities.*"
5. Matthew Mullet testified that the proposed living quarters would be in the back of the house and will be 25' from the property line and will not significantly damage the surrounding properties, nor will it be significantly damaged by surrounding structures or activities.
6. Mr. Mullet testified that there will be no increase in activity, traffic or noise as it will be for their personal use only.
7. There are no letters of opposition in the file nor was there any opposition at the hearing.
8. The Friedman's received verbal support from their north and south neighbors regarding the request but did not provide any documentation.

9. The yellow "Notice of Hearing" signs were posted for the required time period as articulated within City of Albuquerque Code of Ordinances § 14-16-4-2 SPECIAL EXCEPTIONS.

DECISION:

APPROVAL of a CONDITIONAL USE to allow an accessory living quarters in the rear yard setback area for all or a portion of Lot(s) 15, Block(s) 1, CIBOLA ADDITION zoned R-1, located on 2519 CALLEJON DR NE (H-23)

If you wish to appeal this decision, you may do so by 5:00 p.m., on November 16, 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.



Joshua Skarsgard
Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File
Mary Friedman, 2519 Callejon Dr NE, 87112
Matthew Mullet, PO Box 9342, 87106