

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

WALTER DOCANDO DORCA request(s) a special exception to Section 14-16-2-9(B): a CONDITIONAL USE to allow a existing carport in the required side yard setback area for all or a portion of Lot(s) 1, Block(s) 2, FOUR HILLS ADDN zoned R-T, located on 12504 SINGING ARROW AVE SE (I-22)

Special Exception No:..... **12ZHE-80137**
Project No: **Project# 1009232**
Hearing Date: June 19, 2012
Closing of Public Record: June 19, 2012
Date of Decision: July 20, 2012

On June 19, 2012, the Zoning Hearing Examiner heard Project# 1009232, 12ZHE-80137, a conditional use to allow an accessory living quarters at 12504 Singing Arrow Ave SE.

SUMMARY AND FINDINGS:

1. Walter Docando Dorca requests a conditional use for a carport in the side yard setback area at 12504 Singing Arrow Ave SE.
2. Mr. Docando Dorca has owned the property for 9 months.
3. Mr. Docando Dorca testified that the carport was built before he bought the residence.
4. He also testified that the carport will not be enclosed and that there will be rain gutters placed on the carport to assure that no water run off will damage adjacent properties or City of Albuquerque right of ways.
5. Mr. Docando Dorca testified that he believes the proposed request will not be harmful to the surrounding community or adjacent properties.
6. A site visit by city staff showed the carport was built on the side yard property.
7. There were no objections to this request in the file, nor were there any opposition at the hearing.
8. The yellow signs were posted for the prescribed time.
9. There are no clear sight triangle problems reported by The City of Albuquerque's Traffic Engineer.

CONCLUSIONS: Mr. Dorcando Dorcas has met the burden for his special exception request for a conditional use for a carport in the side yard setback area at 12504 Singing Arrow Ave SE.

DECISION: Approved with conditions.

CONDITIONS:

1. Must be able to abide by the site plan.
2. Must obtain proper permits and conduct all inspections on approval.
3. The applicant must comply with any and all requirements made by the City Traffic Engineer in that clear sight must be maintained. Vehicles, dumpsters, or landscaping that may mature and cause an obstruction to clear sight may not be placed next to this carport.

If you wish to appeal this decision, you may do so by 5:00 p.m., on August 4, 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.
Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File
Walter Docando Dorca, 12504 Singing Arrow Ave SE, 87123