

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

GREGIE SEDILLO (MIKE GRASHUIS, YCO DESIGNS) request(s) a special exception to Section 14-16-2-6(E)(5)(a): a VARIANCE of 1' 9" to the 15' minimum required rear yard set back for an existing single family dwelling unit for all or a portion of Lot(s) 21-P1, Block(s) 5, ANASAZI RIDGE UNIT 1 zoned R-1, located on 6517 BASKET WEAVER PL NW (A-10)

Special Exception No:..... **12ZHE-80219**
Project No: **Project# 1009354**
Hearing Date: 09-18-12
Closing of Public Record: 09-18-12
Date of Decision: 10-03-12

On September 18, 2012, Mike Grashuis, agent for Gregie Sedillo appeared in front of Interim Zoning Hearing Examiner, Stanley D. Harada requesting a variance of 1'9" to the minimum rear yard setback for an existing single family residence at 6517 Basket Weaver Pl NW.

SUMMARY:

1. Mr. Grashuis testified the purpose of the special exception request is to comply with the city permit and certificate of occupancy requirements.
2. Mr. Grashuis testified that Ms. Sedillo's residence was built by Corinthian Construction in 2009 with forged building permit documentation and forged certificate of occupancy information.
3. Mr. Grashuis testified the Albuquerque Police Department "white collar crimes division is investigating the builders and there may be criminal/civil complaints launched at Corinthian builders. There were a few other homes that Corinthian Construction built and sold in the same fashion in the near vicinity of Ms. Sedillo's residence.
4. Mr. Grashuis testified the completed house in question was sold to Gregie Sedillo in 2009.
5. Mr. Grashuis testified that Ms. Sedillo never knew of there was never a permit and certificate of occupancy recorded with the City of Albuquerque.
6. Mr. Grashuis testified that his firm was retained to remedy this situation and provide as-built of the existing and full occupied house. The property was purchased via real estate contract and not by Ms. Sedillo.
7. Mr. Grashuis testified that upon measuring the home, his firm noticed that the back of the house encroached into the 15' rear yard setback by 1'9" (worst case).
8. Mr. Grashuis testified that as part of the retroactive permit and certificate of occupancy process, rather than tear down the entire back of the house that encroaches into the rear yard setback, he is requesting a hearing to allow a

- zoning variance for the construction into the existing setback. Plot plan drawing is submitted into the file.
9. Mr. Grashuis testified the City of Albuquerque, building permit, inspections and general counsel are willing to work with him to remedy the situation and obtain a valid building permit for Ms. Sedillo.
 10. Mr. Grashuis testified that his client Ms. Sedillo purchased the property in good faith that all codes and zoning regulations were adhered to.
 11. There are no opposition letters in the file.
 12. The yellow signs were posted for the required time.

FINDINGS: Due to the extenuating circumstances with the complex nature of how the residence was fraudulently constructed at 6517 Basket Weaver Pl NW. It is not the intention of the Zoning Hearing Examiner to penalize Mr. Sedillo responsible. Mr. Grashuis, agent for Gregie Sedillo has met the burden for a variance of 1'9" to the minimum 15' rear yard setback. 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 October 18, 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.

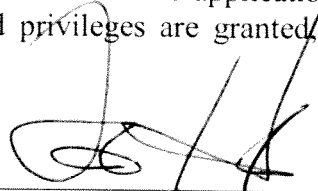
An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of 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
Mike Grashuis, 8201 Golf Course Rd NW Suite D-3-#167 87120
Geggie Sedillo, P.O. Box 573 87031
ZHE File