

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

ALAN T. HILL request(s) a special exception to Section 14-16-2-6(e)(4)(a): a VARIANCE of 3' to the 10' required side yard setback to allow a proposed addition for all or a portion of Lot(s) 24, Block(s) 13, CANDELIGHT HILLS UNIT 1 zoned R-1, located on 9501 AVENIDA DEL OSO NE (F-20)

Special Exception No:..... **12ZHE-80225**  
Project No: ..... **Project# 1009367**  
Hearing Date: ..... 09-18-12  
Closing of Public Record: ..... 09-18-12  
Date of Decision: ..... 10-01-12

On September 18, 2012, Alan Hill appeared in front of Interim Zoning Hearing Examiner, Stanley D. Harada requesting a variance of 3' to the 10' required setback to allow a proposed addition at 9501 Avenida Del Oso NE.

**SUMMARY:**

1. Mr. Hill testified that his property is exceptional due to the fact that the east side of his property is wider in the back. The property is an odd shaped and the lot is not wide enough to accommodate a carport
2. Mr. Hill testified that the carport will not be visible from the street or nearby neighbors.
3. Mr. Hill testified that the carport will match the existing texture of the existing residence which is flat roof with colonial trim. Mr. Hill testified that the property is much different than the other lots in the vicinity.
4. Mr. Hill testified the carport will not be injurious to the surrounding community, or damage any adjacent structures.
5. Mr. Hill testified that he feels that the requested special exception will enhance the surrounding community.
6. Mr. Hill testified that he has owned the property since July of 2012.
7. There are no opposition letters in the file.
8. The yellow signs were posted for the required time.
9. The Traffic Engineer does not have any concerns with the clear sight triangle issue.

**FINDINGS:** Mr. Hill has met the burden for a variance of 3' to the 10' required setback to allow a proposed addition at 9501 Avenida Del Oso NE. 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 15, 2012 in the manner described below:**

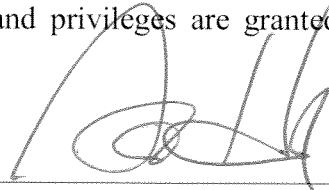
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, 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  
Alan T. Hill, 2 Valley View Ct Placitas, NM 87043  
ZHE File