



CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
ZONING HEARING EXAMINER  
NOTIFICATION OF DECISION

RICK BREEDAN request(s) a special exception to Section 14-16-3-19 (A)(2)(b): a CONDITIONAL USE for a proposed 6' wall to be in the corner side yard setback area on a corner lot for all or a portion of Lot(s) 17, Block(s) C, CANYON RUN zoned R-1, located on 8712 CANYON RUN RD (E-20)

Special Exception No: ..... **12ZHE-80281**  
Project No: ..... **Project# 1009425**  
Hearing Date: ..... 10-16-12  
Closing of Public Record: ..... 10-16-12  
Date of Decision: ..... 10-31-12

On October 16, 2012, Rick Breedan appeared before Zoning Hearing Examiner, Joshua J. Skarsgard, requesting a Conditional Use for a proposed 6' wall to be on a corner lot at 8712 Canyon Run Rd NE. Below are the findings of facts.

**FINDINGS:**

1. Rick Breedan requests a conditional for a proposed 6' wall to be item corner side yard setback area on a corner lot.
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. Mr. Breedan testified that the requested conditional use will not be injurious to the adjacent property, the neighborhood, or the community, it will enhance the area.
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. Mr. Breedan testified that this request for a wall will not be significantly damaged by surrounding structures or activities on his site or the neighboring site.
6. Mr. Breedan testified that the proposed wall will contain a stucco exterior to match the existing home stucco color in the corner side yard setback.
7. Mr. Breedan testified that the wall is needed to increase privacy, security, and to contain pets in the yard.
8. Mr. Breedan submitted a site plan and photos of the proposed wall design.
9. The wall design will meet the minimum design regulations set forth in the City of Albuquerque Zoning Code wall and fence guidelines.
10. The City Traffic Engineer does not have any problem with the clear sight triangle measurement for the proposed wall.
11. Mr. Breedan testified that the yellow signs were posted for the required time as required by the City of Albuquerque Code of Ordinances Section § 14-16-4-2 SPECIAL EXCEPTIONS.

12. The Applicant has adequately justified the Conditional Use request pursuant to City of Albuquerque Code of Ordinances Section § 14-16-4-2 SPECIAL EXCEPTIONS

**DECISION:**

**APPROVAL** of a CONDITIONAL USE for a proposed 6' wall to be in the corner side yard setback area on a corner lot for all or a portion of Lot(s) 17, Block(s) C, CANYON RUN zoned R-1, located on 8712 CANYON RUN RD (E-20)

**CONDITIONS:**

1. The applicant shall adhere to the design guidelines for walls and fences set forth in the City of Albuquerque Zoning Code.
2. The applicant shall abide by the City of Albuquerque Traffic Engineer approval to keep the clear sight triangle free of obstructions.

**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.

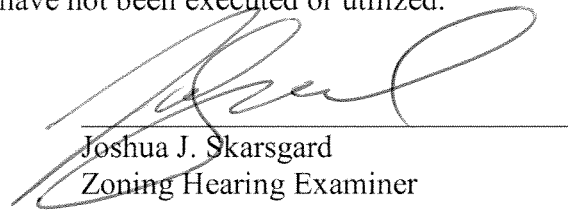
An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of 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 J. Skarsgard  
Zoning Hearing Examiner

cc: Zoning Enforcement  
ZHE File  
Rick Breedan, 8712 Canyon Run Rd, 87111