

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

LYLE FERRELL (EDWARD FITZGERALD, AGENT) request(s) a special exception to Section 14-16-2-6(E)(3)(a): a VARIANCE of 19' 6" to the required 20' for a proposed addition in the side yard setback area for all or a portion of Lot(s) 1, Block(s) 35, RIDGECREST ADDITION zoned R-1, located on 1026 PAMPAS DR SE (L-17)

Special Exception No:..... **12ZHE-80151**
Project No:..... **Project# 1009256**
Hearing Date: June 19, 2012
Closing of Public Record: June 19, 2012
Date of Decision: July 3, 2012

On June 19, 2012, the Interim Zoning Hearing Examiner, Stanley D. Harada, heard Project# 1009256, 12ZHE-180150, a variance of 19'6" for a proposed addition in the side yard setback area at 1026 Pampas Dr SE.

SUMMARY:

1. Lyle Ferrell a variance of 19' 6" for a proposed addition in the side yard setback area at 1026 Pampas Dr SE.
2. Tyson Parker, agent for Lyle Ferrell testified that Mr. Ferrell purchased the property in March.
3. Mr. Ferrell testified that the owner would like to enlarge an existing one car garage into a two car garage which appears to be appropriate for similar residences in the vicinity and of the same size.
4. The home is 2, 250 square feet and was built in 1948. The garage addition will follow the roof lines and will match the existing residence with like material and keeping the same architecture.
5. Mr. Parker testified that the property is exceptional due to the fact that the lot is a true diamond shaped corner lot that has a large right of way along Pampas Dr SE and Morningrise Place SE.
6. Mr. Parker testified that because of the large right of way, the property lines are located 16' back from the street curb, which leaves large yard area on both sides of the residence. The irregular shaped lot makes adding on to the residence without encroaching into the setback area almost impossible to build a 2 car garage on the property even though there is plenty of open space along both street frontages.
7. Mr. Parker testified that the garage addition will not interfere with the enjoyment of other land in the vicinity. The addition is designed to be in keeping with the surrounding style of the residences and will be an attractive asset to the residence and neighborhood.
8. Mr. Parker testified that not being able to expand the garage due to the exceptionality would create an unnecessary hardship for the owner by not allowing a reasonable use of the property. If the property were the same

- size as others and rectangular in shape, it would not have these setback issues.
9. The new addition does not interfere with the clear sight triangle and will not obstruct views to other neighbors in the community. The City of Albuquerque's Traffic Engineer approved the site plan submitted by the applicant.
 10. There is a letter of support from the Parkland Hills Neighborhood Association in the file.
 11. There are no letters of opposition in the file or was there any opposition at the hearing.
 12. The yellow signs were posted for the prescribed time.

FINDINGS:

1. The property is exceptional.
2. The addition will not interfere with the enjoyment of other land in the vicinity and is consistent with the spirit of the Zoning Ordinance, the substantial justice and the general public interest.
3. The proposed addition will keep with the style of the neighborhood and will enhance the neighborhood.
4. It would create an unnecessary financial hardship if the variance is not granted.
5. Granting the variance request will not create a traffic hazard.
6. The site plan was approved by the Traffic Engineer and does not interfere with any clear sight triangles.
7. The yellow signs were posted.

CONCLUSION: Mr. Ferrell has met the burden for this special exception request for a variance of 19'6" for a proposed addition in the side yard setback area at 1026 Pampas Dr SE.

DECISION: Approved.

If you wish to appeal this decision, you may do so by 5:00 p.m., on July 19, 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.

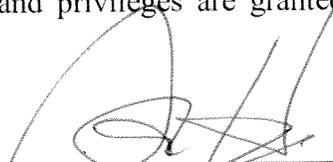
An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written

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