

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

STEFAN RITZAU request(s) a special exception to Section 14-16-2-6(E)(1): a VARIANCE of 20' to the 20' front yard setback area requirement for a proposed carport on all or a portion of Lot(s) 17, Block(s) 3, KIVA ADDN zoned R-1, located at 3101 ORTIZ DR NE (G-18)

Special Exception No:..... **12ZHE-80086**
Project No: **Project# 1009184**
Hearing Date: 04-17-12
Closing of Public Record: 04-17-12
Date of Decision: 05-02-12

I have reviewed the entire file as well as the recordings, I make the following:

STATEMENT OF FACTS: The applicant, Stefan Ritzau, requests a variance of 20' to the 20' front yard setback area requirement for a proposed carport. Mr. Ritzau testified at the hearing, that he has owned the property for approximately forty-one years. There was previously a garage that was converted into living space. If approved, the applicant wishes to construct a double carport between the two adjoining properties, which are both owned by Mr. Ritzau. There is an existing single carport on the lot, which will be located behind the proposed double carport. A Special Exception was granted for the initial carport in 1987, Mr. Ritzau has provided this office with a copy of that decision. There is a letter in the file from the Traffic Engineer's Office that indicates no obstruction to the clear sight requirements. The applicant was advised that, if approved, clear sight must be maintained and that vehicles, dumpsters, or landscaping that may mature and cause an obstruction to clear sight may not be placed next to this carport. The yellow signs were posted and there is no opposition noted in the file.

In reviewing this file, I find that approval of this request will result in the over development of this property.

FINDINGS AND CONCLUSIONS: I find that the applicant has not met the burden of the variance request. The lot is not exceptional as compared to the corner lots within a close proximity. Although a variance request was approved for a single carport on 3/24/87; the applicant stated at that hearing the garage on the property was converted to living space in such a way that as to make it impractical to locate the carport in the front of it as the carport roof would adversely affect this space by shading the large window that is needed to provide light to the interior. Furthermore, I find that the approval of this request would result in the over development of the property.

DECISION: Denied.

If you wish to appeal this decision, you may do so by 5:00 p.m., on May 17, 2012 in the manner described below:

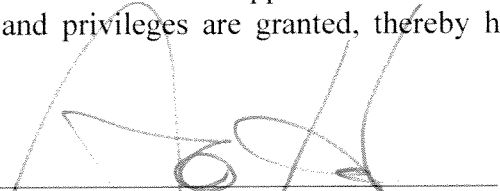
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level,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

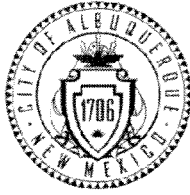
You will receive notice if any other person files an appeal. If there is no appeal, you can receive building permits any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. However, the Zoning Hearing Examiner may allow issuance of building 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
ZHE File
Stefan Ritzau, 3101 Ortiz Drive NE, 87110



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

STEFAN RITZAU request(s) a special exception to Section 14-16-2-6(E)(4)(a): a VARIANCE of 5' to the 5' side yard setback area requirement for a proposed carport on all or a portion of Lot(s) 17, Block(s) 3, KIVA ADDN zoned R-1, located at 3101 ORTIZ DR NE (G-18)

Special Exception No:..... **12ZHE-80087**
Project No:..... **Project# 1009184**
Hearing Date: 04-17-12
Closing of Public Record: 04-17-12
Date of Decision: 05-02-12

I have reviewed the entire file as well as the recordings, I make the following:

STATEMENT OF FACTS: The applicant, Stefan Ritzau, requests a variance of 5' to the 5' side yard setback area requirement for a proposed carport. Mr. Ritzau testified at the hearing, that he has owned the property for approximately forty-one years. There was previously a garage that was converted into living space. If approved, the applicant wishes to construct a double carport between the two adjoining properties, which are both owned by Mr. Ritzau. There is an existing single carport on the lot, which will be located behind the proposed double carport. A Special Exception was granted for the initial carport in 1987, Mr. Ritzau has provided this office with a copy of that decision. There is a letter in the file from the Traffic Engineer's Office that indicates no obstruction to the clear sight requirements. The applicant was advised that, if approved, clear sight must be maintained and that vehicles, dumpsters, or landscaping that may mature and cause an obstruction to clear sight may not be placed next to this carport. The yellow signs were posted and there is no opposition noted in the file.

FINDINGS AND CONCLUSIONS: ; I find that the applicant has not met the burden of the variance request. The lot is not exceptional as compared to the corner lots within a close proximity. Although a variance request was approved for a single carport on 3/24/87; the applicant stated at that hearing the garage on the property was converted to living space in such a way that as to make it impractical to locate the carport in the front of it as the carport roof would adversely affect this space by shading the large window that is needed to provide light to the interior. Furthermore, I find that the approval of this request would result in the over development of the property.

DECISION: Denied.

If you wish to appeal this decision, you may do so by 5:00 p.m., on May 17, 2012 in the manner described below:

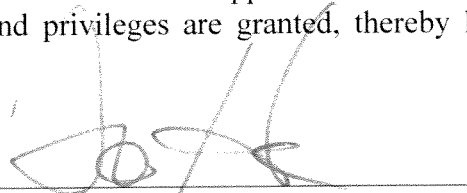
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You will receive notice if any other person files an appeal. If there is no appeal, you can receive building permits any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. However, the 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.



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