

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

CLAIRE SANDRIN (R. MICHAEL SANDRIN, AGENT) request(s) a special exception to Section 14-16-2-9(E)(4)(a) and Page 15 of the Downtown Neighborhood: a VARIANCE of 8.75' to the required 15' rear yard setback for a proposed second story addition for all or a portion of Lot(s) 6, Block(s) B, VALLE ALTO PARK ADDN zoned SU-2 TH, located on 708 GRANITE ST NW (J-14)

Special Exception No:..... **12ZHE-80155**
Project No: **Project# 1009260**
Hearing Date: June 19, 2012
Closing of Public Record: June 19, 2012
Date of Decision: July 5, 2012

On June 19, 2012, the Interim Zoning Hearing Examiner, Stanley D. Harada heard Project# 1009260, 12ZHE-80155, a variance of 8.75' to the 15' required setback area for a proposed 2nd story addition at 708 Granite St NW.

SUMMARY:

1. R. Michael Sandrin, agent for Claire Sandrin requests a variance of 8.75' to the 15' required setback area for a proposed 2nd story addition.
2. Claire Sandrin has owned the property for approximately 6 years.
3. Mr. Sandrin testified that the property is exceptional due to the fact that it is the smallest lot (42'x 50') in the area.
4. Mr. Sandrin testified that the residence needed to be enlarged to provide a better quality of life. The addition will be modest in scale (225 sq ft).
5. Mr. Sandrin stated that the original footprint of the residence will not change.
6. Mr. Sandrin testified that because the structure was built in 1925, the setback creates a substantial financial burden to comply with the setback regulations.
7. Mr. Sandrin testified that the utilities were brought up to code recently.
8. Mr. Sandrin testified that the variance was needed to keep the building lines consistent with the existing structure and to be financially affordable.
9. Mr. Sandrin stated that the variance would be consistent with the spirit of the zoning code, substantial justice and the general public interest by allowing young people the ability to purchase smaller properties and bring them up to code.
10. There is no opposition in the file nor was there any opposition at the hearing.
11. They yellow signs were posted for the required length of time.

FINDINGS:

1. The property is exceptional.
2. Granting the variance would be consistent with the spirit of the zoning code, substantial justice and the general public's interest.
3. Granting the variance is necessary to overcome the hardship caused by the exceptionality.
4. There is no opposition to the project.
5. The yellow signs were posted.

CONCLUSIONS: There is substantial evidence to support the application there for it is approved.

If you wish to appeal this decision, you may do so by 5:00 p.m., on July 20, 2012 in the manner described below:

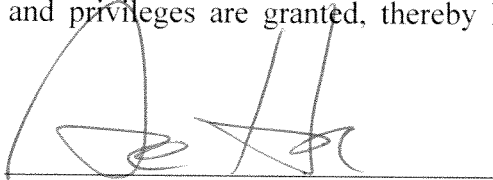
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, 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
Claire Sandrin, 708 Granite St NW, 87102

R. Michael Sandrin, 539 Hillside Ave, Santa Fe, NM 87501