

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

TYMNM WATERS request(s) a special exception to Section 14-16-2-6(E)(1): a VARIANCE of 4' to the 20' maximum for a proposed addition in the front yard setback area for all or a portion of Lot(s) 20, Block(s) 38, UNIVERSITY HEIGHTS zoned R-1, located on 309 BRYN MAWR DR SE (K-6)

Special Exception No:..... **12ZHE-80160**  
Project No: ..... **Project# 1009264**  
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# 1009264, 12ZHE-80160, a variance of 4' to the 20' maximum to allow for a proposed addition in the front yard setback at 309 Bryn Mawr Dr SE.

**SUMMARY:**

1. Tymn Waters request a variance of 4'to the 20' maximum to allow for a proposed addition in the front yard setback area.
2. Mr. Waters testified that the property is exceptional due to the fact that there is an extreme slope from the front of the property to the rear. The slope is 5' every 10', and that the utilities are in the alley in the rear of the property.
3. Mr. Watters testified that there are severe drainage issues in the driveway as a result of the slope on the property. There is potential for flooding the residence.
4. Mr. Waters testified that due to the difference in elevation from front to back create a restrictive lot, the only logical solution for an addition would have to be in the front yard.
5. Mr. Waters stated that the residence was built in 1935 and was zoned R-1.
6. Mr. Waters bought the residence in 1998.
7. The property is located in the Nob Hill district. There are no letters of opposition in the file.
8. The yellow signs were posted for the required time.

**FINDINGS:**

1. The property is exceptional.
2. The request will not significantly interfere with the enjoyment of other properties in the neighborhood.
3. The request is consistent with the spirit of the Zoning Code, substantial justice and the general public interest.
4. The request will overcome the hardship caused by the variance.
5. There is no opposition to the request.
6. The yellow sings were posted for the required time.

**CONCLUSIONS:** There is substantial evidence to support the application submitted, and it is therefore 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:**

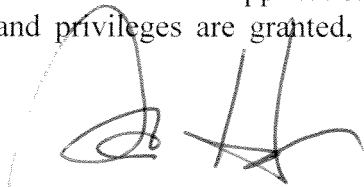
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level,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



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Stanley D. Harada, Esq.  
Interim Zoning Hearing Examiner

cc: Zoning Enforcement  
ZHE File  
Tymn Waters, 309 Bryn Mawr SE, 87106  
Nob Hill Neighborhood Association, PO Box 4875, 87196