

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

MICHAEL G WATSON request(s) a special exception to Section 14-16-3-3(B)(E): a VARIANCE of 2' to the required 10' separation from an existing dwelling and a proposed garage for all or a portion of Lot(s) 109, REGINA ADDITION zoned R-1, located on 529 REGINA PL NW (J-11)

Special Exception No:..... **12ZHE-80161**
Project No: **Project# 1009265**
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# 1009265, 12ZHE-80161, a variance of 2' to the 10' separation from an existing dwelling and a proposed garage at 529 Regina Pl NW.

SUMMARY:

1. Michael G. Watson requests a variance of 2' to the 10' separation from an existing dwelling and a proposed garage at 529 Regina Pl NW.
2. Mr. Watson testified that the exceptionality of this property is that it is on a corner lot and is not exactly square.
3. Mr. Watson also testified that the lot has a significant difference in elevation from the street level to the finished floor elevation of the residence as exceptionality as well.
4. Mr. Watson testified that he needs to secure the property for the safety of his family.
5. There are no letters of opposition in the file nor was there any opposition at the hearing.
6. The yellow signs were posted for the required time.
7. A Traffic Engineer's report states that there are no problems with the clear sight triangles.

CONCLUSION: There is substantial evidence to support the application submitted, and it is therefore approved with conditions.

CONDITIONS: The applicant must comply with any and all requirements made by the City Traffic Engineer in that clear sight must be maintained. Vehicles, dumpsters, or landscaping that may mature and cause an obstruction to clear sight may not be placed next to this wall.

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,

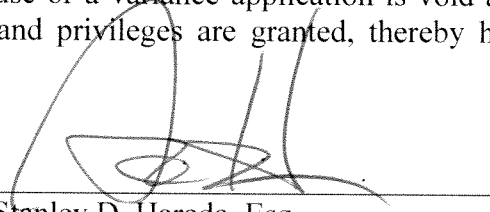
Plaza Del Sol Building, Ground Level, Planning Application Counter located on the west side of the lobby. **Please present this letter of notification when filing an appeal.** When an application is withdrawn, the fee shall not be refunded.

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
Michael G. Watson, 529 Regina Pl NW, 87105