

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

DAWN NIETO request(s) a special exception to Section 14-16-2-6(B)(1) and 14-16-2-69(B)(1): a CONDITIONAL USE for a proposed accessory living quarters for all or a portion of Lot(s) B-1, BATTEN-JANE zoned R-1, located on 1934 CANDELARIA RD NW (G-13)

Special Exception No:..... **12ZHE-80162**
Project No: **Project# 1009266**
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 #1009266, 12ZHE-80162, a conditional use to allow for a proposed accessory living quarters at 1934 Candelaria Rd NW.

SUMMARY:

1. Dawn Nieto requests a conditional use to allow a proposed accessory living quarters at 1934 Candelaria Rd NW.
2. Ms. Nieto would like to construct an 800 square foot accessory living quarters to be used occasionally to have a bathroom and studio/guestroom for the swimming pool.
3. Ms. Nieto testified that the accessory quarters would not be harmful to the surrounding community, and will not impact the neighbors because the structure is more than 15 feet from the rear property line.
4. Ms Nieto did acknowledge a previous approval of a conditional use on her property from October 2010, when she was remodeling her main dwelling.
5. If approved, Ms. Nieto testified that she would not use the accessory living quarters as a rental unit or for any type of business use.

CONCLUSION AND DECISION:

1. The request will not be injurious to the surrounding properties or community.
2. The accessory living quarters shall not be used as a rental unit or any commercial activity.
3. There is substantial evidence to support the application submitted, and 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

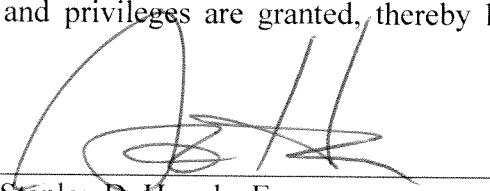
side of the lobby. **Please present this letter of notification when filing an appeal.** When an application is withdrawn, the fee shall not be refunded.

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.



Stanley D. Harada, Esq.
Interim Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File
Dawn Nieto, 1934 Candelaria Rd NW, 87107