

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

RUSS AND CELINDA HALL(DAVID FERRY CONSTRUCTION COMPANY, DAVID FERRY, AGENT) request(s) a special exception to Section 14-16-2-6(B)(3): a CONDITIONAL USE to allow a proposed carport on the side yard setback area for all or a portion of Lot(s) 4/WLY PORTION OF, Block(s) 11, ABQ HIGHLANDS ADDN zoned R-1, located on 5401 MOUNTAIN RD NE (J-18)

Special Exception No:..... **12ZHE-80164**
Project No: **Project# 1009269**
Hearing Date: June 19, 2012
Closing of Public Record: June 19, 2012
Date of Decision: July 3, 2012

On June 19, 2012, the Interim Zoning Hearing Examiner heard Project# 1009269, 12ZHE-80164, a conditional use to allow a proposed carport on the side yard setback area at 5401 Mountain Rd NE.

SUMMARY:

1. Russ and Celinda Hall requests a conditional use to allow a proposed carport on the side yard setback area at 5401 Mountain Rd NE.
2. David Ferry, owner of David Ferry Construction appeared on behalf of his clients Russ and Celinda Hall.
3. Mr. Ferry testified that the Hall's own their home and would like to construct a double carport in front of their existing garage.
4. The proposed carport will be built to the property line and set back 11' from the street.
5. It will have rain gutters placed on the Westside to assure that no water run off will damage the adjacent property.
6. Mr. Ferry and his clients do not believe the proposed request will be harmful to the surrounding community.
7. There are no clear sight triangle problems according to the City of Albuquerque's Traffic Engineer.
8. There are no letters of opposition in the file or was there any opposition at the hearing.
9. The yellow signs were posted.

FINDINGS:

1. The structure will not be injurious to the adjacent property, the neighborhood or the community.
2. The structure will not be significantly damaged by surrounding structures or activities.

CONCLUSIONS: The agent and the applicants have met the burden for this special exception request for a conditional use to allow a proposed carport on the side yard setback area at 5401 Mountain Rd NE.

DECISION: 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 carport.

If you wish to appeal this decision, you may do so by 5:00 p.m., on July 19, 2012 in the manner described below:

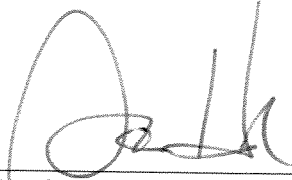
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, 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
Russ and Celinda Hall, 5401 Mountain Rd NE, 87110
David Ferry, 6021 Zimmerman Ave NE, 87110