

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

YVETTE GONZALEZ request(s) a special exception to Section 14-16-2-6(B)(14)(a)(1): a CONDITIONAL USE to allow a proposed 6' wall in the front yard setback area for all or a portion of Lot(s) 1/WLY PORTION OF, Block(s) 6, ABQ HIGHLANDS ADDN zoned R-1, located on 5516 EL ENCANTO PL NE (J-18)

Special Exception No:..... **12ZHE-80170**
Project No: **Project# 1009274**
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 #1009274, 12ZHE-80170, a conditional use to allow a proposed wall in the front yard setback area at 5516 El Encanto Pl NE.

SUMMARY:

1. Yvette Gonzalez requests a conditional use to allow a proposed wall in the front yard setback area.
2. Ms. Gonzalez testified that she is seeking the conditional use request for security and privacy for her property.
3. Ms. Gonzalez testified that the proposed request will not be injurious to the surrounding properties or community.
4. Ms. Gonzalez testified that the proposed wall will help beautify and bring back pride to the neighborhood.
5. Ms. Gonzalez stated that there are 9 other homes in close proximity that have single walls similar to the wall she is proposing. Ms. Gonzalez submitted color photos of other walls in the vicinity.
6. If the request is approved, Ms. Gonzalez will have a licensed contractor build the wall.
7. Ms. Gonzalez testified that she has lived in the neighborhood for over 20 years, and purchased the property in 2010.
8. There are no adverse comments by the City Traffic Engineer.
9. Mary Ann Groman, the neighbor to the east testified in support of the request. Ms. Groman thinks the wall will be an asset to the neighborhood, and will be a good for security.
10. Sandra King, the neighbor who lives three doors down from Ms. Gonzalez feels that this wall is out of scope with the neighborhood. Ms. King would like to see a 4' wall built instead.
11. Ms. Gonzalez testified in rebuttal that the wall will be for security and is in scope with other walls that we built in the neighborhood.
12. The yellow signs were posted.

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

CONDITIONS:

1. The request will not be injurious to the surrounding properties or community.
2. This approval will meet the design guidelines in the Zoning Code for walls and fences.
3. The applicant shall abide by the Traffic Engineers approval and always keep the clear sight triangle free from any obstructions and blockages.
4. The approval is subject to the submitted site plan, as required. Any substantial changes to the site plan, as determined by the Zoning Enforcement Division, shall require the scheduling of an additional Public Hearing.

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.

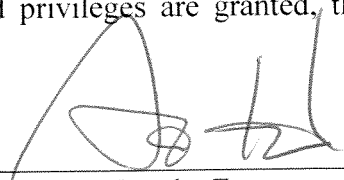
An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of 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
Yvette Gonzales, 5516 El Encanto NE, 87110