



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

ERICA TRUJILLO (JEREMIAH PENA, AGENT) request(s) a special exception to Section 14-16-4-13: a STATUS ESTABLISHED BUILDING REVIEW for 2 existing dwellings in a R-1 zone for all or a portion of Lot(s) 16, ROSSITER ADDN zoned R-1, located on 4416 10TH ST NW (G-14)

Special Exception No:..... *1R* 12ZHE-80216
Project No: Project# 1009351
Hearing Date: 08-21-12
Closing of Public Record: 08-21-12
Date of Decision: 08-28-12

On August 21, 2012, Erica Trujillo and Jeremiah Pena appeared before the Interim Hearing Officer, Stanley D. Harada, for a Status Established Building Review for 2 existing dwellings in an R-1 zone.

SUMMARY:

1. Mr. Pena and Ms. Trujillo are requesting a Status Established Building Review for 2 existing dwellings in an R-1 zone at 4416 10th St NW.
2. Mr. Pena and Ms. Trujillo testified that they will be closing on the home in August 2012.
3. Mrs. Pena testified that the home has been in her family since the 1960's. Her father has owned the home for the last 10 years.
4. They provided the following items with their application:
 - a. Bernalillo County Assessors Residential/Rural Review Document stating it was built in 1950;
 - b. Albuquerque City Directory from 1958; and
 - c. Affidavit of human habitation.
5. They testified that there was enough off street parking for both dwellings.
6. There are no letters of opposition in the file nor was there any opposition at the hearing.
7. The Los Duranes Neighborhood Association did not have any objections to the request.
8. The yellow signs were posted for the prescribed time.

FINDINGS: Mr. Pena and Ms. Trujillo have met the burden for a Status Established Building Review for 2 existing dwellings at 4416 10th St. NW. They provided documentation prior to the inception of the Zoning Code showing that the dwellings are non-conforming.

DECISION: Approved with conditions.

CONDITIONS: Any alteration of up to 25% to the total square footage of the existing dwellings will require a separate application for Special Exception for Expansion of Non-

Conforming Use. This approval will be immediately vacated if the applicant does not comply with these conditions.

If you wish to appeal this decision, you may do so by 5:00 p.m., on September 13, 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
Erica Trujillo & Jeremiah Pena, 4416 10th St NW, 87107