



CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
ZONING HEARING EXAMINER
NOTIFICATION OF DECISION

JOHN MELIN request(s) a special exception to Section 14-16-2-6(B)(3): a CONDITIONAL USE to allow a proposed carport in the side yard setback area for all or a portion of Lot(s) 11, Block(s) 6, ACADEMY ESTATES UNIT 4 zoned R-1, located on 9012 CAMINO DEL SOL NE (F-20)

Special Exception No: **12ZHE-80280**
Project No: **Project# 1009424**
Hearing Date: 10-16-12
Closing of Public Record: 10-16-12
Date of Decision: 10-31-12

On October 16, 2012, John Melin appeared before Zoning Hearing Examiner, Joshua Skarsgard, requesting a conditional use for a proposed carport in the side yard setback area at 9012 Camino Del Sol NE. Below are the findings of facts.

FINDINGS:

1. John Melin requests a conditional use for a proposed carport in the side yard setback at 9012 Camino Del Sol NE.
2. Mr. Melin testified that the proposed carport will be 21' long and 11' wide. This plan has been agreed by him and his neighbor so that his neighbor could have a mountain view from his back porch. The original site plan was 5' longer and 2' higher.
3. The purpose of the carport is to protect vehicles from sun and weather damage.
4. The City of Albuquerque Code of Ordinances Section § 14-16-4-2 (C) (1) (a) "SPECIAL EXCEPTIONS" reads in part: "*A conditional use shall be approved if and only if, in the circumstances of the particular case and under conditions imposed, the use proposed will not be injurious to the adjacent property, the neighborhood, or the community.*"
5. Mr. Melin testified that the carport will not be injurious to the adjacent property, the neighborhood or the community because there will be access for public and utility service. It will also be constructed of steel and will not create a fire hazard and will architecturally pleasing in its design.
6. The City of Albuquerque Code of Ordinances Section § 14-16-4-2 (C) (1) (b) "SPECIAL EXCEPTIONS" reads in part: "*A conditional use shall be approved if and only if, in the circumstances of the particular case and under conditions imposed, the use proposed will not be significantly damaged by surrounding structures or activities.*"
7. Mr. Melin testified that this carport (use) will not significantly damage the surrounding neighboring properties, structures or activities.
8. There is a letter of support from Larry Pope, President of the Academy East Estates Neighborhood Association in the file.
9. The west neighbor, Dennis Bauer has no objection to the request.

10. Gilbert Austin, spoke in support of the request at the hearing.
11. There are no letters of opposition in the file, nor was there any opposition at the hearing.
12. The City of Albuquerque Traffic Engineer's Report shows no clear sight triangle problem.
13. The yellow "Notice of Hearing" signs were posted for the required time period as articulated within City of Albuquerque Code of Ordinances § 14-16-4-2 SPECIAL EXCEPTIONS.

DECISION:

APPROVAL WITH CONDITIONS of a CONDITIONAL USE to allow a proposed carport in the side yard setback area for all or a portion of Lot(s) 11, Block(s) 6, ACADEMY ESTATES UNIT 4 zoned R-1, located on 9012 CAMINO DEL SOL NE (F-20)

CONDITIONS OF APPROVAL:

1. The applicant must comply with any and all requirements made by the City Traffic Engineer in that clear sight must be maintained.
2. The applicant shall ensure that any and all vehicles, dumpsters, or landscaping that may mature and cause an obstruction to clear sight may not be placed next to this carport.
3. The applicant shall ensure that the carport does NOT drain on to the adjacent neighboring property.

If you wish to appeal this decision, you may do so by 5:00 p.m., on November 16, 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.

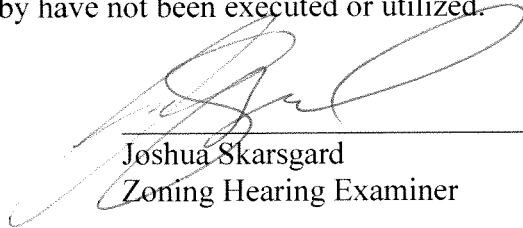
An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of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



Joshua Skarsgard
Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File