

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

WILL ROUNSEVILLE (MANDY ERICKSON) request(s) a special exception to Section 14-16-4-13: a STATUS ESTABLISHED BUILDING REVIEW to allow an existing dwelling unit for all or a portion of Lot(s) 23, PUEBLO BONITO zoned R-1, located on 2429 PUEBLO BONITO CT NW (J-13)

Special Exception No:..... **12ZHE-80247**
Project No: **Project# 1009389**
Hearing Date: 09-18-12
Closing of Public Record: 09-18-12
Date of Decision: 10-03-12

On September 18, 2012, Mandy Erickson, agent for Will Rounseville 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. Ms Erickson is requesting a Status Established Building Review for 2 existing dwellings in an R-1 zone at 2429 Pueblo Bonito Ct NW.
2. Ms. Erickson testified that Mr. Rounseville is trying to sell the property, and as a condition of sale needs to apply and be granted a special exception for a status established building review for the back unit of the property.
3. Ms. Erickson testified that the property has been inhabited for the he last few years.
4. They provided the following items with their application:
 - a. Albuquerque City Directory from 1958; and
 - b. Affidavit of human habitation.
5. Ms. Erickson testified that there was enough off street parking for both dwellings.
6. There are no letters of opposition in the file.
7. Elaine Felter, who lives a t 2425 Pueblo Bonito Ct NW, testified that there is not enough parking for the back unit. There are anywhere from 6-8 vehicleless that cause congestion for the existing neighbors.
8. Andrew Moss, who lives at 2433 Pueblo Bonito NW, testified that he opposes the request because parking is a problem directly west of Rounseville property.
9. Sandra Garrek, who lives at 2456 Pueblo Bonito Ct NW, testified that the lots on Pueblo Bonito Ct NW are long and narrow and parking is a problem.
10. Ms. Erickson testified that Mr. Rounseville has a prospective buyer and if sold thinks that the back unit is going to be demolished. This request is a requirement for the appraisal of the property.
11. The yellow signs were posted for the prescribed time.

FINDINGS: Ms. Erickson agent for Will Rounseville has 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:

1. 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.
2. Applicant shall not have excessive parking at the residence. The zoning code states that for each dwelling: one space per bath but not less than two spaces are required.

If you wish to appeal this decision, you may do so by 5:00 p.m., on October 18, 2012 in the manner described below:

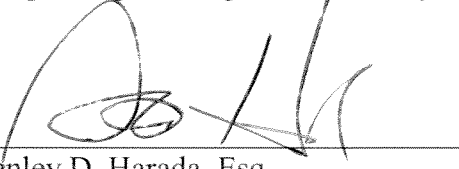
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, 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
Mandy Erickson, P.O. Box 94928 97199
Elaine Lingenfetter, 2425 Pueblo Bonito Ct NW 87104
Andrew Moss, 2433 Pueblo Bonito Ct NW 87104
Sandra Garrek, 2456 Pueblo Bonito Ct NW 87104
ZHE File