

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

PATRICIA OROZCO request(s) a special exception to Section 14-16-3-3(A)(4)(a)(1): a VARIANCE of 4' to the 3' maximum height required to allow an existing wall in the front yard setback area for all or a portion of Lot(s) 12, Block(s) 6, DESERT SPRINGS UNIT 4 zoned R-LT, located on 7401 RAINMAKER RD SW (M-10)

Special Exception No:..... **12ZHE-80168**
Project No:..... **Project# 1009272**
Hearing Date: 08-07-12
Closing of Public Record: 08-07-12
Date of Decision: 08-20-12

On August 7, 2012, Patricia Orozco appeared in front of Interim Zoning Hearing Examiner, Stanley D. Harada requesting a variance of 4' to the 3' maximum height for an existing wall in the front yard setback area at 7401 Rainmaker Rd SW.

SUMMARY:

1. Ms. Orozco testified that she needs the fence to remain due to the fact that there is a lot of crime in the area and she wants protection for her family. There were two high profile murders near her property.
2. Ms. Orozco testified that her neighbors have loud parties through the night and they throw trash and debris into her property. The wall will mitigate the trash problem.
3. Ms. Orozco has had no complaints from neighbors for the special exception request.
4. Ms. Orozco testified that she has owned the property for 9 years.
5. The traffic engineer has no problem with the clear sight triangle issue.
6. There are no letters of opposition nor was there any opposition at the hearing.
7. The yellow signs were posted for the prescribed time.

FINDINGS: Ms. Orozco has met the burden of the special exception request.

DECISION: Approved with condition

CONDITION:

1. The applicant shall abide by the traffic engineer's clear sight triangle issue. There shall be no obstructions to the clear sight triangle.

If you wish to appeal this decision, you may do so by 5:00 p.m., on September 3, 2012, in the manner described below:

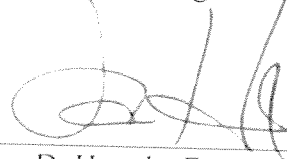
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, 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
Patricia Orozco, 7401 Rainmaker Rd SW 87121