



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

HEATH & MARGARET BOBB request(s) a special exception to Section 14-16-3-3(B)(2)(B): a VARIANCE of 7' to the 20' side yard setback area requirement for a proposed accessory building (garage) on all or a portion of Lot(s) 26, Block(s) 13, CHERRY HILLS UNIT 2 zoned R-1, located at 8601 BRANDYWINE RD NE (E-20)

Special Exception No:..... **10ZHE-80024**  
Project No:..... **Project# 1008170**  
Hearing Date: ..... 03-16-10  
Closing of Public Record: ..... 03-16-10  
Date of Decision: ..... 03-23-10

**STATEMENT OF FACTS:** The applicants, Heath & Margaret Bobb, request a variance of 7' to the 20' side yard setback area requirement for a proposed accessory building (garage). Mr. Bobb testified that he has owned and resided on this property for approximately one and a half years. He stated that the lot is exceptional because of its irregular size. If approved, Mr. Bobb will construct a single garage that will be used primarily for storage. A petition signed by neighbors in support of this request is noted in the file. The yellow sign was posted.

Based on all of the testimony and a review of the entire file, it is determined that there is substantial evidence to make the following findings and conclusions:

**FINDINGS AND CONCLUSIONS:** I find that this parcel is exceptional as compared to other parcels in the vicinity due to its irregular size and, therefore, it meets the test for the granting of a variance as provided for by Section 14. 16. 4. 2. I further find that, as a result of the exceptional aspect of the property, the regulations produce an unnecessary hardship in that it will limit the owner's reasonable use of the property and/or deprive the owner of a reasonable return on the property. Furthermore, I find that the particular variance is appropriate to prevent the unnecessary hardship and further find that the variance will differ from development which will be permitted under the existing regular zoning regulations no more than what is necessary to overcome the unnecessary hardship. Finally, the variance will not significantly interfere with the enjoyment of other land in the vicinity and is consistent with the spirit of the Zoning Ordinance, substantial justice and the general public interest.

**DECISION:** Approved.

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.