



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

MARK CORDOVA & KAREN MANDUCHI request(s) a special exception to Section 14-16-3-19(A)(2)(a): a VARIANCE of 2' 8" to the 3' wall height allowance for an existing 5' 8" high wall in the front yard setback area on all or a portion of Lot(s) 1, Block(s) 2, FOUR HILLS VILLAGE FIRST INSTALLMENT zoned R-1, located at 800 FOUR HILLS RD SE (M-23)

Special Exception No:..... **10ZHE-80049**
Project No: **Project# 1008194**
Hearing Date: 06-15-10
Closing of Public Record: 06-15-10
Date of Decision: 06-28-10

STATEMENT OF FACTS: The applicants, Mark Cordova & Karen Manduchi, request a variance of 2' 8" to the 3' wall height allowance for an existing 5' 8" high wall in the front yard setback area. Mr. Cordova testified that he has owned and resided on this property since 2000. He stated that the existing wall was built approximately three years ago without obtaining the property permits. When asked if his lot was exceptional, he stated that his lot was the same as other lots in the area. There is considerable opposition to this request. There are no other wall of this height in the neighborhood.

The Zoning Ordinance provides that a variance is to be granted only under unusual circumstances. An applicant is required to demonstrate that he/she is unable to comply with the Zoning requirement as a result of some physical exceptional parcel conditions which cause unnecessary hardship. This applicant has not shown that this request meets the exceptionality standard. Having been unable to meet this standard, it is therefore unnecessary to inquire any further.

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 not exceptional as compared to other parcels in the vicinity and, therefore, it does not meet the test for the granting of a variance as provided for by Section 14. 16. 4. 2. I further find that the regulations do not produce an unnecessary hardship in that it will not limit the owner's reasonable use of the property and/or deprive the owner of a reasonable return on the property. Finally, the variance will significantly interfere with the enjoyment of other land in the vicinity and is inconsistent with the spirit of the Zoning Ordinance, substantial justice and the general public interest.

DECISION: Denied.

If you wish to appeal this decision, you may do so by 5:00 p.m., on July 13, 2010 in the manner described below:

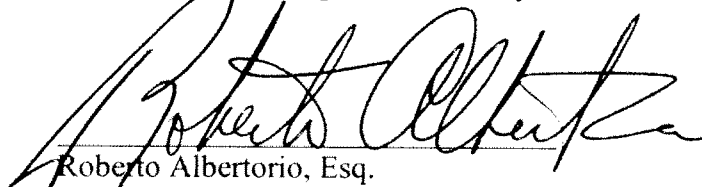
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level,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

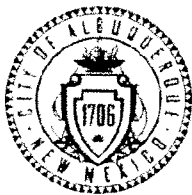
Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for 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.



Roberto Albertorio, Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File
Mark Cordova & Karen Manduchi, 800 Four Hills Road SE, 87123
Thresa Loschke, Four Hills Village HOA, mtloschke1@comcast.net
Celeste Dreuren, 907 Warm Sands Drive SE, 87123
Resident, 909 Warm Sands Drive SE, 87123
Abdulazia Baco, 801 Four Hills Road SE, 87123

Roger Mickelson, 1432 Catron Avenue SE, 87123
Joe Smuda, 1605 Wagontrain Drive SE, 87123



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MARK CORDOVA & KAREN MANDUCHI request(s) a special exception to Section 14-16-3-19(A)(2)(a)(1): a VARIANCE of 2' to the 6' wall height allowance for an existing 8' high wall in the side yard setback area on a corner lot on all or a portion of Lot(s) 1, Block(s) 2, FOUR HILLS VILLAGE FIRST INSTALLMENT zoned R-1, located at 800 FOUR HILLS RD SE (M-23)

Special Exception No:..... **10ZHE-80050**
Project No: **Project# 1008194**
Hearing Date: 06-15-10
Closing of Public Record: None
Date of Decision: None

STATEMENT OF FACTS: The applicants, Mark Cordova & Karen Manduchi, request a variance of 2' to the 6' wall height allowance for an existing 8' high wall in the side yard setback area on a corner lot.

This matter has been withdrawn at the request of the applicant.


Roberto Albertorio, Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement
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