



County of Bernalillo Zoning, Building & Planning Department

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June 15, 2004

Peter H. Naumberg
10901 Holly Avenue NE
Albuquerque, NM 87122

CASE NUMBER: ZA-40085

KEEP THIS LETTER

To Whom It May Concern:

Your application for special exception under the Comprehensive Zoning Ordinance of Bernalillo County was considered at the public hearing on June 8, 2004. The following decision was made:

BE IT RESOLVED THAT ZA-40085, a request for conditional use approval to allow an 80-foot amateur radio antenna/tower on Lot 24, Block 17, Tract 3 of Unit One, North Albuquerque Acres, located at Holly Avenue NE, zoned A-1, and containing approximately .892 acres **BE APPROVED. The decision was based on the following Findings and subject to the following Conditions.**

Findings:

1. This is a request for conditional use approval to allow an 80-foot amateur radio antenna/tower. The existing structure includes an 80-foot lattice apparatus and a 12-foot antenna-type extension, resulting in a 92-foot tall antenna/tower.
2. Material submitted by the applicant prior to the hearing justifying the request, as well as testimony provided at the hearing, referenced the completed height of 92 feet for the existing antenna/tower. Because of substantial compliance with the notification requirements have been met, and this conditional use approval shall be for a 92-foot amateur radio antenna/tower.
3. This approval is based specifically on the information provided for this request and applies only to this antenna/tower at its current height on the subject property. Pursuant to PRB-1 (a declaratory ruling of the Federal Communications Commission regarding local government's role in regulating antenna structures), the applicant has presented extensive evidence, technical data, and testimony for the request to convey that the height of the existing amateur radio antenna/tower at its current location on the subject site is the minimum amount necessary to accomplish the applicant's communication and search & rescue goals.
4. The site for the proposed use is adequate in size and shape to accommodate the use, as the property is .892 acres in area and currently developed with a single-family dwelling and the subject antenna/tower.

5. The site provides sufficient ingress and egress for vehicular access and is developed in such a manner that undue traffic congestion or hazards will not be created.
6. Adjacent properties are of similar multi-use residential development and the proposed use will have no adverse effect on the neighborhood or seriously conflict with the character of the area.
7. Conditions of approval are necessary to ensure orderly development of the site, as well as the protection of the public health, safety and general welfare in conformity with the intended purpose of the Zoning Ordinance.
8. Approval is limited to the requested use and does not waive any other requirement or infer any other approval of applicable Bernalillo County ordinances and/or regulations.

Conditions:

1. Unless otherwise noted, if the conditions established by this approval are not met within 180 days, this approval shall be null and void.
2. The applicant shall meet the requirements of the Bernalillo County Building Department, including obtaining a permit for the existing amateur radio antenna/tower. Penalties may be assessed through the Uniform Building Code for construction of the tower without the necessary permits.
3. The applicant shall meet the requirements of the Bernalillo County Environmental Health Department, including final permitting of the existing well.

This decision of the Zoning Administrator may be appealed. If you wish to file an appeal, you must do so by 12:00 noon on **June 30, 2004**. Appeals are to be submitted in writing to the office of the Zoning, Building, & Planning Department on forms prescribed by the Board of Adjustment, and shall be accompanied by a filing fee. Justification for the appeal shall specifically state the error, abuse of discretion, or where the decision was not supported by evidence in the matter.

Any determination by the Zoning Administrator shall be final unless written notice of appeal to the Board of Adjustment is filed within fifteen (15) days after the determination.

Applicants are responsible for compliance with all other regulations of Bernalillo County, even after approval of a special exception is secured. This decision does not constitute approval for subdivision, a building permit, or a certificate of occupancy. This approval is void after six (6) months from the date of approval if the rights and privileges granted are not executed or utilized.

Sincerely,



Brennon Williams
Zoning Administrator

cc: File
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