

CITY OF ALBUQUERQUE

CODE ENFORCEMENT DIVISION

Plaza Del Sol Building, Suite 500
600 2nd Street NW
Albuquerque, New Mexico 87102



Richard J. Berry, Mayor

February 22, 2013

Silver Hills Neighborhood Association
Gordon Reiselt, President
PO Box 40012
Albuquerque, New Mexico 87106

Re: 1502 Silver Ave. SE

Dear Mr. Reiselt:

I have again reviewed the historic data and information on file with my office regarding the number of dwelling units allowed on the subject property. Based on the pertinent information, I have again concluded that the property is legally entitled to four (4) dwelling units. As you have requested, I am providing you copies of all documents on file with our office regarding this property.

PO Box 1293

Albuquerque

New Mexico 87103

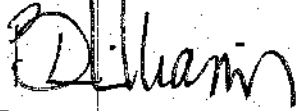
www.cabq.gov

The R-3 zoning designation for the property was established in 1959 and city's zoning ordinance permitted multiple dwelling units within the R-3 zone. The existence of four (4) dwelling units on the lot is denoted on the copy of the 1957 Sanborn Insurance map. The "F" designation listed in the middle of the building outline signifies the existence of apartments, while the number "4" listed below the occupancy symbol indicates the total number of units that were determined to be within the building.

Most importantly, the current R-3 zoning density limitations (reference Section 14-16-2-12(A)(1) of the Zoning Code) were not established until August 1990. However, even if this standard were to be applied to the existing development on the lot, the 6,400-plus square foot lot area exceeds the minimum square footage required (5,808 sq. ft.) to allow the four dwelling units. Similarly, the length and width of the existing property renders it nonconforming only to the current width and depth requirements of the R-3 zone, not as to use. Any assumed vacancy of one or more of the units for any period of time has no bearing on the four dwelling units allowed on the lot.

If you have additional questions regarding this matter, please feel free to contact me at (505) 924-3454 or bnwilliams@cabq.gov. This letter does not constitute a declaratory ruling as outlined in Section 14-16-4-8 of the Comprehensive City Zoning Code.

Sincerely,



Brennon Williams
Code Compliance Manager