



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

MARK GONZALES & JOSEPH GONZALES requests a special exception to Section 14-16-2-16(B)(7) : a CONDITIONAL USE for a proposed dwelling in a C-1 Zone on all or portion of Tract one (1) of the plat of Tracts 1 and 2 Lands of Jose E Ortega Estate. for all or a portion of Lot 1, Tract(s) 1, ORTEGA-JOSE E ESTATE zoned C-1, located on 2100 EDNA AV NW (address officially changed from 2200 EDNA AV NW, June 5, 2015 (J13)

Special Exception No:..... **15ZHE-80149**
Project No:..... **Project# 1010473**
Hearing Date:..... 07-21-15
Closing of Public Record:..... 07-21-15
Date of Decision: 07-31-15

On the 21st day of July, 2015 (hereinafter “**Hearing**”) MARK GONZALES & JOSEPH GONZALES (hereinafter “**Applicant**”) appeared before the Zoning Hearing Examiner (hereinafter “**ZHE**”) requesting a Conditional Use for a proposed dwelling in a C-1 Zone (hereinafter “**Application**”) upon the real property located at 2100 EDNA AV NW (“**Subject Property**”). Below are the findings of facts:

FINDINGS:

1. Applicant seeks a deferral of 6-8 months to address issues raised by neighbors. The ZHE is not inclined to provide for such a long-term or indefinite deferral and would prefer that the application be withdrawn and resubmitted with any changes that may prove necessary or beneficial.

DECISION:

DEFERRAL to August 18, 2015, at which time a decision will be rendered unless Applicant has withdrawn the application. Proceeding with the previously directed facilitation is also an option for the parties.

If you wish to appeal this decision, you may do so 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 **Please present this letter of notification when filing an appeal.** When an application is withdrawn, the fee shall not be refunded.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.


Christopher L. Graeser, Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File
markjefe@comcast.net
gasman6940@cs.com
smsgthernandez@aol.com
Rudy Baca 2111 Dora NW 87104
rlc@rcoleaw.com