



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

RISEN SAVIOR CATHOLIC COMMUNITY  
(GREER STAFFORD/ SJCF  
ARCHITECTURE, INC, AGENT) requests a  
special exception to Section 14-16-2-27(A)  
and 14-16-2-26(B) : a CONDITIONAL USE to  
allow a structure in a PR zone for all or a  
portion of Lot B1A, Michaels Manor North  
zoned PR, located on 7810 SCOTTS PL NE  
(D-19)

Special Exception No:..... **15ZHE-80270**  
Project No:..... **Project# 1010634**  
Hearing Date:..... 11-17-15  
Closing of Public Record:..... 11-17-15  
Date of Decision: ..... 12-02-15

On the 17th day of November, 2015 (hereinafter “**Hearing**”) GREER STAFFORD, (hereinafter “**Agent**”) acting as agent on behalf of the property owner RISEN SAVIOR CATHOLIC COMMUNITY (hereinafter “**Applicant**”) appeared before the Zoning Hearing Examiner (hereinafter “**ZHE**”) requesting a Conditional Use to allow a structure in a PR zone (hereinafter “**Application**”) upon the real property located at 7810 SCOTTS PL NE (“**Subject Property**”). Below are the findings of facts:

**FINDINGS:**

1. Applicant is requesting a Conditional Use to allow a structure in a PR zone The City of Albuquerque Code of Ordinances Section § 14-16-4-2 (C) (1) (a) “SPECIAL EXCEPTIONS” reads in part: “*A conditional use shall be approved if and only if, in the circumstances of the particular case and under conditions imposed, the use proposed will not be injurious to the adjacent property, the neighborhood, or the community.*”
2. Applicant testified at the Hearing that the Conditional Use, if approved, will not be injurious to the adjacent property, neighborhood, or the community because it will be a standard garage located on a paved parking lot. There are no surrounding uses that may be impacted by the proposed structure, and the Applicant has received support from the neighborhood association. The requested Conditional Use permit appears fully compatible and appropriate.
3. The City of Albuquerque Code of Ordinances Section § 14-16-4-2 (C) (1) (b) “SPECIAL EXCEPTIONS” reads in part: “*A conditional use shall be approved if and only if, in the circumstances of the particular case and under conditions imposed, the use proposed will not be significantly damaged by surrounding structures or activities.*”
4. Applicant testified at the Hearing that the proposed conditional use, will not be significantly damaged by the surrounding structures or activities because the parking lot on which the structure is located is used for the same purposes, and the neighboring mortuary would have no apparent deleterious effect on the proposed structure.

5. The yellow “Notice of Hearing” signs were posted for the required time period as articulated within City of Albuquerque Code of Ordinances § 14-16-4-2 SPECIAL EXCEPTIONS.
6. The Applicant has adequately justified the Conditional Use request pursuant to City of Albuquerque Code of Ordinances § 14-16-4-2 SPECIAL EXCEPTIONS.

**DECISION:**

**APPROVAL** of a CONDITIONAL USE to allow a structure in a PR zone.

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.

A handwritten signature in black ink, appearing to read "Chris L. Graeser", written over a horizontal line.

Christopher L. Graeser, Esq.  
Zoning Hearing Examiner

cc: Zoning Enforcement  
ZHE File  
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