



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

SHADE TREE CUSTOMS AND CAFE INC (GARCIA/KRAEMER & ASSOCIATES, AGENT) requests a special exception to Section 8.B.3 PG. 92 of the Nob Hill Highland SDP: a VARIANCE of 4 parking spaces to the minimum required 29 off-street spaces required for an existing restaurant. for all or a portion of Lot 15, Block 5, MONTE VISTA ADDN zoned CCR-1, located on 3407 CENTRAL AVENUE NE (K-16)

Special Exception No:..... **15ZHE-80026**
Project No:..... **Project# 1010366**
Hearing Date:..... 10-20-15
Closing of Public Record:..... 10-20-15
Date of Decision: 10-30-15

On the 20th day of October, 2015 (hereinafter “**Hearing**”) GARCIA/KRAEMER & ASSOCIATES, (hereinafter “**Agent**”) acting as agent on behalf of the property owner SHADE TREE CUSTOMS AND CAFE INC (hereinafter “**Applicant**”) was scheduled to appear before the Zoning Hearing Examiner (hereinafter “**ZHE**”) requesting a VARIANCE of 4 parking spaces to the minimum required 29 off-street spaces required for an existing restaurant (hereinafter “**Application**”) upon the real property located at 3407 CENTRAL AVENUE NE (“**Subject Property**”).

Applicant voluntarily withdrew the Application. No decision from the ZHE is required.

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 **Please present this letter of notification when filing an appeal.** When an application is withdrawn, the fee shall not be refunded.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
Shade Tree Customs and Cafe Inc 3407 Central Ave NE Albuquerque NM 87106
Garcia/Kraemer & Associates 600 First Street Suite 211 Albuquerque NM 87102
David Peters dpetersa@REAM.com
Susan Michie ssm150@gmail.com
Joshua Berry josh.shadetree@gmail.com
Ryan Greer shadetreecustoms@yahoo.com
Nob Hill Neighborhood Association acuffae@gmail.com