



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

MARK & MARION BITZER, PAUL ZWIMPFOR, LINDA CASTALDO (F MIGUEL MELENDEZ, AGENT) requests a special exception to Section 14-16-2-20(B)(5) : a CONDITIONAL USE for retail sales of alcoholic drink for off premise consumption for all or a portion of Lot C-2, Menaul School Inc zoned M-1, located on 2809 BROADBENT PKWY NE (H-15)

Special Exception No:..... **16ZHE-80079**  
Project No:..... **Project# 1010778**  
Hearing Date:..... 04-19-16  
Closing of Public Record:..... 04-19-16  
Date of Decision: ..... 05-04-16

On the 19th day of April, 2016, F MIGUEL MELENDEZ (“Agent”) acting as agent on behalf of the property owner MARK & MARION BITZER, PAUL ZWIMPFOR, LINDA CASTALDO (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow for retail sales of alcoholic drink for off premise consumption (“Application”) upon the real property located at 2809 BROADBENT PKWY NE (“Subject Property”). Below are the ZHE’s findings of fact and decision:

**This matter is deferred to the May 17, 2016 ZHE agenda at the request of the Applicant.**

If you wish to appeal this decision, you must do so by May 19, 2016, in the manner described below. A non-refundable filing fee will be calculated at the Planning Department’s Land Development Coordination counter and is required at the time the Appeal is filed.

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 **Please present this letter of notification when filing an appeal.** When an application is withdrawn, the fee shall not be refunded.

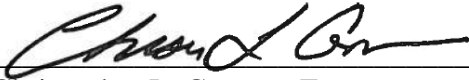
An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of 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  
hfmccreary@aol.com  
nmcider1@gmail.com