



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

Floyd P. Hale requests a conditional use to allow an accessory living quarters for Lot 11, Block 27, Bel Air Subdivision, located on 2704 Adams ST NE, zoned R-1 [Section 14-16-2-6(B)(1)]

Special Exception No:.....**VA-2018-00004**
Project No:**Project#2018-001159**
Hearing Date:07-23-18
Closing of Public Record:07-23-18
Date of Decision:08-07-18

On the 23rd day of July, 2018, Allison Hale, agent for property owner Floyd P. Hale (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow an accessory living quarters (“Application”) upon the real property located at 2704 Adams ST NE (“Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a conditional use to allow an accessory living quarters.
2. The City of Albuquerque Code of Ordinances Section 14-16-4-2(C)(1) (Special Exceptions – Conditional Use) reads: *“A conditional use shall be approved if and only if, in the circumstances of the particular case and under conditions imposed, the use proposed:*
 - (a) *Will not be injurious to the adjacent property, the neighborhood, or the community;*
 - (b) *Will not be significantly damaged by surrounding structures or activities.*
3. The Applicant bears the burden of ensuring there is evidence in the record supporting a finding that the above criteria are met under Section 14-16-4-2(C).
4. The Bel Air Neighborhood Assn. was notified.
5. Allison Hale testified in support of the Application.
6. No one appeared in opposition to the Application.
7. The subject property is zoned R-1.
8. Specifically, the ZHE finds that the proposed use of the project will be for an accessory living quarters for elderly mother.
9. The living quarters will be approximately 600 square feet.
10. It will be sited totally within the subject property.
11. The structure will be built to be harmonious with the neighborhood.
12. The structure will be freestanding and not affect any other structures on the subject property.
13. The ZHE finds that in the proposed use will not be injurious to the adjacent property, the neighborhood, or the community as required by Section 14-16-4-2(C)(1)(a).
14. The ZHE finds that the proposed use will not be significantly damaged by surrounding structures or activities as required by Section 14-16-4-2(C)(1)(b).
15. The ZHE finds that the proper “Notice of Hearing” signage was posted for the required time period as required by Section 14-16-4-2(B)(4).

16. The ZHE finds that the Applicant has authority to pursue this Application.

DECISION:

APPROVAL of a conditional use to allow an accessory living quarters.

CONDITIONS: The proposed building shall be in compliance with IDO current building placement requirements.

If you wish to appeal this decision, you must do so by August 23, 2018 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 be filed within 15 days of the decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, on the west side of the lobby. **Please present this letter of notification when filing an appeal.**

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.



Stan Harada, Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File