



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

Economy Storage Group requests for expansion of nonconforming use for Lot 1, Block 52 and 53, Snow Heights, located at 10308 Candelaria RD NE, zoned MX-L [Section 14-16-6-8(C)(3)]

Special Exception No:..... **VA-2019-00102**
Project No: **Project# 2019-002250**
Hearing Date: 05-21-19
Closing of Public Record: 05-21-19
Date of Decision: 06-05-19

On the 21st day of May, 2019, property owner Economy Storage Group (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting an expansion of nonconforming use (“Application”) upon the real property located at 10308 Candelaria RD NE (“Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting an Expansion of a Nonconforming Use or Structure.
2. The City of Albuquerque Code of Ordinances Section 14-16-6-6(C)(3) (Review and Decision Criteria– Expansion of Nonconforming Use) reads: “*An application for an Expansion of Nonconforming Use or Structure shall be approved if it meets all of the following criteria, as applicable:*”
 - (a) The expansion will not create material negative impacts on other land in the surrounding area through increases in traffic congestion, parking congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts.
 - (b) The expansion will not increase non-residential activity within 300 feet of a lot in any residential zone district between the hours of 8:00 pm and 6:00 am.
 - (c) The expansion will not negatively impact pedestrian or transit connectivity without appropriate mitigation.
 - (d) The expansion will not exceed 25 percent of the gross floor area of the structure occupied by the nonconforming use, or 25 percent of the area occupied by the nonconforming use at the time it became nonconforming.
 - (e) The expansion will not exceed the gross floor area of a nonconforming structure by more than 25 percent of the gross floor area existing at the time the structure became nonconforming.
 - (f) The expansion will not increase an existing nonconformity or create a new nonconformity.
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 14-16-6-4(N)(1).
4. Rogan Thompson, owner appeared and gave evidence in support of the application.
5. The address of the subject property is 10308 Candelaria Rd NE.
6. All property owners within 100 feet were notified of the application.

7. There are no affected neighborhood associations.
8. The subject property is currently zoned MX-L.
9. There are no other conditions applied on the property by a prior permit or approval.
10. The subject business is a self-storage facility.
11. The gross floor area of the subject building is 14,000 sq. feet.
12. Applicant is requesting approval of expansion by 2,850 sq. feet.
13. The expansion is less than 25 percent of the total existing gross floor area.
14. Access to the expansion will only be through the existing ingress and egress.
15. A site plan and photographs were submitted in support of the Application.
16. The subject business is open from 9:00 am to 5:00 pm daily.
17. There will be a minimal increase of customer activity resulting from the expansion.
18. The expansion will occupy a space which is currently fenced in, with no access to the public.
19. The expansion will not negatively impact surrounding areas and will not create increased traffic congestion, noise or vibration.
20. No one appeared in opposition to the Application.
21. The expansion will not create material negative impacts on other land in the surrounding area through increases in traffic congestion, parking congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts as required by Section 14-16-6-6(C)(3)(a).
22. The expansion will not increase non-residential activity within 300 feet of a lot in any residential zone district between the hours of 8:00 pm and 6:00 am as required by Section 14-16-6-6(C)(3)(b).
23. The expansion will not negatively impact pedestrian or transit connectivity without appropriate mitigation as required by Section 14-16-6-6(C)(3)(c).
24. The expansion does not exceed 25 percent of the gross floor area of the structure occupied by the nonconforming use, or 25 percent of the area occupied by the nonconforming use at the time it became nonconforming as required by Section 14-16-6-6(C)(3)(d).
25. The expansion does not exceed the gross floor area of a nonconforming structure by more than 25 percent of the gross floor area existing at the time the structure became nonconforming as required by Section 14-16-6-6(C)(3)(e).
26. The expansion will not increase an existing nonconformity or create a new nonconformity, as required by Section 14-16-6-6(C)(3)(f).
27. The proper "Notice of Hearing" signage was posted for the required time period as required by Section 14-16-6-4(K)(3).
28. The Applicant has authority to pursue this Application.

CONCLUSIONS OF LAW:

The criteria within Section 14-16-6-6(C)(3) of the IDO are satisfied.

DECISION:

APPROVAL of the request for Expansion of a Nonconforming Use.

APPEAL:

If you wish to appeal this decision, you must do so by June 20, 2019 pursuant to Section 14-16-6-4(U), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

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
Economy Storage Group, 10308 Candelaria RD NE, 87112
RT Thompson, 10308 Candelaria RD NE, 87112