



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

CWP West, LLC (Agent, Excel Engineering, Inc.) requests a variance of 48.61 ft to the 50 ft required prohibition to a residential zone for Lot C1A, Richfield Park, located at 4709 Alameda BLVD NE, zoned MX-L [Section 14-16-4-3(D)(16)(b)]

Special Exception No: **VA-2023-00318**
Project No: **Project#2023-009344**
Hearing Date: 12-19-23
Closing of Public Record: 12-19-23
Date of Decision: 01-03-24

On the 19th day of December, 2023, Excel Engineering, Inc., agent for property owner CWP West, LLC (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 48.61 ft to the 50 ft required prohibition to a residential zone (“Application”) upon the real property located at 4709 Alameda BLVD NE (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 48.61 ft to the 50 ft required prohibition to a residential zone.
2. IDO Section 14-16-4-3(D)(16)(b) states: “A car wash building and any associated outdoor activities, including but not limited to vacuum stations, drying or polishing stations, and queuing lanes, are **prohibited** within 50 feet in any direction of any Residential zone district or any lot containing a residential use in any Mixed-use zone district.” (Emphasis added). It is clear from this section that the car wash uses described are prohibited within 50 feet in any direction of any Residential zone district.
3. A variance cannot be granted to a use prohibition. See definition of “Variance” in IDO Section (“The allowable use of premises may never be changed via a Variance.”). The Application therefore must be denied.

DECISION:

DENIAL of a variance of 48.61 ft to the 50 ft required prohibition to a residential zone.

APPEAL:

If you wish to appeal this decision, you must do so by January 18, 2024 pursuant to Section 14-16-6-4(V), 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.



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Zoning Hearing Examiner

cc:

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