

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

DAMIAN CHIMENTI request(s) a special exception to Section 14-16-2-16(B)(3) and Page 37: a CONDITIONAL USE to allow a proposed storage of auto, trailer and trucks for all or a portion of Lot(s) 138B, VALLE ALTA ADDN zoned SU-2 C-1, located on 3909 12TH ST NW (G-14)

Special Exception No:..... **12ZHE-80128**
Project No: **Project# 1009224**
Hearing Date: 05-15-12
Closing of Public Record: 05-15-12
Date of Decision: 05-31-12

STATEMENT OF FACTS: The applicant, Damian Chimenti requests a conditional use to allow a proposed storage of auto, trailer and trucks at 3909 12th St NW. Mr. Chimenti owns Insight Construction, which is contracting business that rehabilitates older buildings and has a staff of about 20-25 employees. There will be five people working at the site while the other employees will be at the job sites and in the field. Employees of the business will drive all of the company trucks home. Mr. Chimenti testified that he would like to store a dump trailer, skid steer trailer and water truck. He stated that on many occasions, this equipment would be at job sites. Mr. Chimenti testified that there would be no storage of construction related materials outside, which will be stored inside a building. Mr. Chimenti submitted a site plan detailing what he is proposing. A new 2,000 square foot building is going to be attached to an existing 1,800 square foot building. The parking and storage area are included on the site plan. There will be an 8' perimeter wall built around the property, as well as trees and landscaping to screen the proposed activity. Mr. Chimenti stated that the difference between this request and a contractor's yard, which is first listed as permissive in the C-3 zone, he stated that his use is a small subcontract/management company. There will not be a high volume of vehicle storage. He does not believe that the proposed request will be injurious to the adjacent property, the neighborhood or the community. He feels that this request, if approved, will enhance the area because the property has been vacant for a very long time. The development will bring vitality to the area and will blend in with the existing commercial properties, (Wayne's Automotive and Fruit Basket). Mr. Chimenti met with the Los Griegos Neighborhood Association, which had no adverse comments to his request. Candice Knight, President of the association spoke in favor of the board for the proposed use. Ms. Knight and a nearby neighbor discussed the need for upgraded lighting, parking, as well as improved access to the business from the local streets if this request is approved. Ms. Knight expressed the need for an upscale business; they feel this request will help in accomplishing that. There are no letters of opposition in the file nor was there any opposition at the hearing. The yellow signs were posted.

Based on all of the testimony and a review of the entire file, it is determined there is substantial evidence to make the following findings and conclusions:

FINDINGS AND CONCLUSIONS: I find that this request complies with Section 14. 16. 4. 2. (C). 1., for the granting of a conditional use upon a finding that the proposed use will not cause injury to the neighborhood, adjacent property or the community, nor will it be damaged by surrounding structures.

DECISION: Approved.

The approval is subject to the submitted site plan, as required. Any substantial changes to the site plan, as determined by the Zoning Enforcement Division, shall require the scheduling of an additional Public Hearing.

A Building Permit must be applied for at the Building Permit Desk which is located at the Plaza del Sol Building, Ground Level on the east side of the lobby.

If you wish to appeal this decision, you may do so by 5:00 p.m., on June 15, 2012 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.

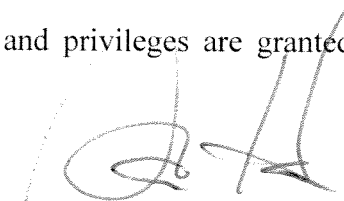
An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of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



Stanley D. Harada, Esq.
Interim Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File
Damian Chimenti, PO Box 6653, 87197
Candice Knight, Los Griegos Neighborhood Association, Griegos Rd NW, 87107