

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

TBC BREWING INC., (SKYE MORRIS DEVORE, AGENT) request(s) a special exception to Page 90, 1, (B) of the NOB HILL HIGHLAND SECTOR DEV PLAN: a CONDITIONAL USE to allow the proposed retail sale of beer for off premises consumption for all or a portion of Lot(s) 7,8, 9, 10, 11, 12, 14, 15, and 18, Block(s) 49, UNIVERSITY HEIGHTS zoned CCR-1, located on 118 TULANE SE (K-16)

Special Exception No:..... **12ZHE-80178**
Project No:..... **Project# 1009294**
Hearing Date:..... 08-07-12
Closing of Public Record:..... 08-07-12
Date of Decision:..... 08-20-12

On August 7, 2012, Skye Morris Devore, agent for TBC Brewing appeared in front of Interim Zoning Hearing Examiner, Stanley D. Harada requesting a conditional use to allow proposed retail sale of beer for off-premise consumption at 118 Tulane SE.

SUMMARY:

1. Ms. Devore, agent for TBC Brewing, requests a conditional use to allow a proposed retail sale of beer for off premise consumption at 118 Tulane SE.
2. Ms. Devore testified the conditional request is for the Tractor Brewing Company that has been an existing microbrewery in the Nob Hill Neighborhood.
3. Ms. Devore testified that her client holds an approved New Mexico Small Brewer's license (#6795).
4. Ms. Devore testified that if this request is approved, it will increase the business volume by 25%, which makes good business sense.
5. Ms. Devore testified that the requested use will not be injurious to the adjacent property, the neighborhood or the community.
6. Ms. Devore testified that the beer will be sold at a premium price.
7. Ms. Devore also testified this use will not damage any surrounding structures or activities.
8. Ms. Devore would like to fully utilize the license that the Federal and State governments has already found Tractor Brewery Company capable of possessing.
9. There is a letter of support from the Nob Hill Neighborhood Association Secretary, Greg Weirs.
10. There are numerous signatures of support for the requested special exception.
11. The yellow signs were posted for the time required.

FINDINGS: Ms. Devore, agent for Tractor Brewery Company has met the burden of a conditional use request to allow the proposed retail sale of beer for off premise

consumption. The property does not appear to show any evidence of being injurious to the surrounding community, nor will it damage any adjacent properties in the area.

DECISION: Approved with a condition.

CONDITION:

1. The applicant must abide by the small brewery license. Any deviation of the license or any other city and state laws that may apply will be grounds for rescinding this approval.

If you wish to appeal this decision, you may do so by 5:00 p.m., on September 3, 2012, in the manner described below:

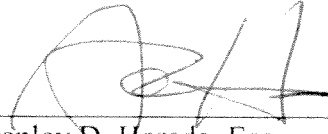
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, 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
Skye Morris Devore, 2646 Baylor Drive SE 87106
Greg Weirs, vgweirs@gmail.com