

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

JACOB WERENKO request(s) a special exception to Section 14-16-2-9(A)(1)(d) and Page 71 of the Barelás Sector Development Plan: a CONDITIONAL USE to allow a proposed second dwelling unit in a SU-2 R-1 zone for all or a portion of Lot(s) 6, Block(s) T, ATLANTIC AND PACIFIC ADDN zoned SU-2 R-1, located on 510 IRON AVE SW (K-14)

Special Exception No:..... **12ZHE-80207**  
Project No: ..... **Project# 1009341**  
Hearing Date: ..... 08-21-12  
Closing of Public Record: ..... 08-21-12  
Date of Decision: ..... 09-06-12

On August 21 2012, Jacob Werenko appeared in front of Interim Zoning Hearing Examiner, Stanley D. Harada requesting a conditional use to allow proposed second dwelling unit at 510 Iron Ave SW.

**SUMMARY:**

1. Mr. Werenko requests a conditional use to allow a proposed second dwelling in the Barelás Sector Plan.
2. Mr. Werenko testified that he is attempting to increase the density of the downtown neighborhood of Barelás, and in following with the Barelás Sector Development Plan.
3. Mr. Werenko is requesting the special exception to convert his SU-2/R-1 lot to allow 2 dwelling units.
4. Mr. Werenko testified that this request is summed up nicely in the Barelás Sector Development Plan by "allowing accessory dwellings on a lot with a single family home can provide on-site housing for a family member or provide a source of income that makes the home affordable to the owner".
5. Mr. Werenko currently owns a property that has an original railroad era home on the front that he would like to rehab/restore. There is a series of additions to the back of the dwelling that are in complete disrepair, and are in need of repair.
6. Mr. Werenko would like to repair the problem areas and construct a separate structure in the back for himself.
7. Mr. Werenko does not believe that the request will be injurious to the adjacent structures or activities.
8. Mr. Werenko testified that beyond not being injurious, he feels that by restoring the home to its original look and floor plan, the personality of the neighborhood would be preserved.
9. There was a letter of opposition from Dorothy Chavez, President of the Barelás Neighborhood Association. The Barelás Neighborhood Association can not support the exception due to the fact that they did not have enough time to review the proposal. They were offered a facilitated

meeting, and could not meet the date of the facilitated meeting due to the fact that the board members were overloaded with zone change requests at the time.

10. Mr. Werenko was available to meet, and feels that he should not be penalized because the neighborhood could not meet.
11. There was no one to speak in opposition at the hearing.
12. The yellow signs were posted for the required time.

**FINDINGS:** Mr. Jacob Werenko has met the burden of a conditional use request to allow a second dwelling unit in a SU-2/R-1 zone. 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

**If you wish to appeal this decision, you may do so by 5:00 p.m., on September 21, 2012, in the manner described below:**

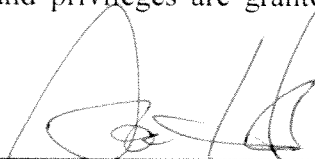
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, 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.



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Stanley D. Harada, Esq.  
Interim Zoning Hearing Examiner

cc: Zoning Enforcement  
Jacob Werenko, P.O. Box 82324 87198  
Dorothy Chavez, President of Barelás Neighborhood Association  
612 10<sup>th</sup> St SW 87102  
ZHE File