

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

KEN GINGERICH, FRINGCREST LLC
(EVANGELINE ALDERETE-PADILLA)
request(s) a special exception to Section 14-16-3-1(A)(26): a VARIANCE of 2 parking spaces to the 2 parking spaces required for a proposed restaurant for all or a portion of Lot(s) 20, Block(s) 3, CORONADO BUILDERS INC/KNOB HEIGHTS ADDNITION zoned C-1, located on 1111 CARLISLE BLVD SE SUTE B (L-16)

Special Exception No:..... **12ZHE-80236**
Project No: **Project# 1009381**
Hearing Date: 09-18-12
Closing of Public Record: 09-18-12
Date of Decision: 10-03-12

On September 18, 2012, Evangeline Alderete-Padilla, agent for Ken Gingrich appeared before the Interim Hearing Officer, Stanley D. Harada for a variance of 2 parking spaces required for a proposed restaurant at 1111 Carlisle Blvd SE, Suite B.

SUMMARY:

1. Ms. Aldertete-Padilla testified requesting a variance of 2 parking spaces required for a proposed restaurant at 1111 Carlisle Blvd SE, Suite B.
2. Ms. Alderet-Padilla testified that the property is on a corner lot.
3. Ms. Alderet-Padilla testified that the parcel is exceptional by reason of the historic use of the parcels a multi family residential development, which existed at the time of the adoption of the regulations.
4. Ms. Alderete-Padilla testified the property was granted a conditional use permit in 1995.
5. Ms. Alderet-Padilla testified the owner of the property would like to use the garage portion of the premises to be used a commercial business location retail food sales, which is intended by the C-1 zoning.
6. Ms. Alderet-Padilla testified there is no room for the 2 parking spaces that are required.
7. Ms. Alderet-Padilla testified that there is on-street parking available along Carlisle Blvd.
8. Ms. Alderet-Padilla testified that there is an adjacent lot to the north that was a similarly developed property. It is now a coffee shop, art gallery, and yoga studio.
9. Ms. Alderet-Padilla testified that there is a 4 foot wide side walk along Carlisle Blvd SE, and there is only 13.5 feet between the existing building and property line. There is no room for parking spaces in front of the building without cars extending out to the sidewalk and street. This is the same situation with the development on the adjacent lot to the north, which has no on site parking.

10. Ms. Alderete-Padilla testified that a variance to the on-site parking requirement is appropriate to prevent an unnecessary hardship to the owner. The variance is consistent with the general public interest.
11. Ms. Alderete-Padilla testified that the Southeast Heights Neighborhood Association is in favor of the development. The Southeast Heights NA has a letter of support in the file.
12. Ms. Alderete-Padilla testified that the new development will compliment the existing cluster of small businesses at their particular location.
13. Ms. Alderete-Padilla testified that the special exception request would not be injurious to the surrounding area, and would be an asset to the Southeast Heights community, and also bring people from other parts of the city to do business.
14. Ms. Alderete-Padilla testified that substantial justice would be consentient with the granting of the requested variance.
15. There are no letters of opposition in the file, or were there anyone to speak in opposition at the hearing.

FINDINGS:

Evangeline Alderete-Padilla, agent for Ken Ginrich has met the burden for a variance of 2 parking spaces to the 2 parking spaces required for a proposed restaurant at 1111 Carlisle SE. The request does not appear to be injurious to the surrounding community, as there are a number of these types of small businesses in the vicinity. This request does not appear to negatively impact the neighborhood or community.

DECISION: Approved.

If you wish to appeal this decision, you may do so by 5:00 p.m., on October 18, 2012 in the manner described below:

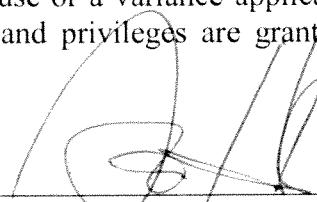
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, 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
Evangeline Alderet-Padilla, 1741 Indian School Rd NW 87104
Ken Ginrich, 1111-B Carlisle Blvd SE 87106
ZHE File