



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

JUDY TALLEY, MA, LPCC (STEVEN SACKS, AGENT) request(s) a special exception to Section 14-16-2-6(B)(7) and HHSDP, Pg. 31: a CONDITIONAL USE to allow health care (counseling) as a proposed home occupation on all or a portion of Lot(s) 10, Block(s) 17, HUNING HIGHLAND ADDN zoned SU-2/MR, located at 416 ARNO STREET SE (K-14)

Special Exception No:..... **11ZHE-80225**  
Project No: ..... **Project# 1008964**  
Hearing Date: ..... 10-18-11  
Closing of Public Record: ..... 10-18-11  
Date of Decision: ..... 10-26-11

**STATEMENT OF FACTS:** The applicant, Judy Talley, requests a conditional use to allow health care (counseling) as a proposed home occupation. Steven Sacks, agent and owner of the property, testified that he has owned this property for approximately five years. He stated that this home is currently rented out to Trish Scott; however, Judy Talley is proposing a home occupation. Section 14-16-2-6(2) of the Zoning Code provides that “Only members of the residing family are employed.” Having been unable to meet this standard, it is therefore unnecessary to inquire any further.

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

**FINDINGS AND CONCLUSIONS:** I find that this request does not comply with Section 14. 16. 4. 2. (C). 1., for the granting of a conditional use upon a finding that the proposed use will cause injury to the neighborhood, adjacent property or the community, and will be damaged by surrounding structures. For reasons stated above, this request is denied.

**DECISION:** Denied.

**If you wish to appeal this decision, you may do so by 5:00 p.m., on November 10, 2011 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 **Please present this letter of notification when filing an appeal.** When an application is withdrawn, the fee shall not be refunded.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.



Anita Reina, Esq.

Deputy Zoning Hearing Examiner

cc: Zoning Enforcement  
ZHE File  
Steven Sacks, 609 11<sup>th</sup> Street NW, 87102  
Judy Talley, 416 Arno SE, 87102  
Phoenix Forrester, 418 Arno Street SE, Apt. B, 87102