APPLICATION FOR SPECIAL EXCEPTION
CITY OF ALBUQUERQUE, PLANNING DEPARTMENT

Office of the Zoning Hearing Examiner
200 3rd Street, NW, Suite 735, 87102
505.924.3918

APPLICATION INFORMATION–PLEASE PRINT

CONTACT DATA: PROFESSIONAL / AGENT NAME (FIRST, LAST): TAFAZZUL HUSSAIN
MAILING ADDRESS: 2501 YALE BLVD. SE, SUITE-102
CITY: ALBUQUERQUE STATE: NM ZIP CODE: 87106
Email: THUSSAIN@AFRA-DESIGN.COM.

TELEPHONE (INCLUDE AREA CODE)
(H) ___-___-____
(W) (505) 243-9093
(C) 505-315-1482

APPLICANT DATA: OWNER NAME (FIRST, LAST–IF ANY): GEORGE CASE
MAILING ADDRESS: 1600 CENTRAL AVE, SE ALBQ. NM-87106
CITY: STATE: ZIP CODE:
Email:

(H) ___-___-____
(W) 505-255-9302.
(C) ___-___-____

LEGAL DESCRIPTION OF PROPOSED SPECIAL EXCEPTION–PLEASE PRINT

STREET ADDRESS OF SPECIAL EXCEPTION: 1600 CENTRAL AVENUE, SE, ALBQ., NM-87106
ZIP CODE:
LOT(S): 6
TRACT(S): –
BLOCK(s): 53
SUBDIVISION / ADDITION / MRGCD MAP NO: TERRACE ADDITION
UNIFORM PROPERTY CODE: 101505 731730 010312

CRITERIA FOR DECISION– I have been given the Criteria for Decision requirements. Initial Here: JWG

EXPLANATION OF REQUEST– On additional sheet(s) of paper, please state why you want this Special Exception, based on the Criteria for Decision Requirements.

DRAWINGS OF REQUEST– **ATTACH THREE (3) COPIES.** Please follow instructions on the back of this form and attach the appropriate drawings.

ACKNOWLEDGEMENT– I hereby acknowledge that, to the best of my knowledge, this application is correct and complete and that I have received one or more signs that I have agreed to post and maintain as provided and where instructed. I understand that failure to properly post sign(s) is grounds for deferral of my case

SIGNATURE: Tafazzul Hussain ZHE 2010080170 DATE: 5/5/2010.

----------ZONING ENFORCEMENT OFFICE INTERNAL USE ONLY----------

PROJECT #: 1008331 **APPLICATION #:** 10ZHE80170

APPLICATION FOR: (CHECK AS APPROPRIATE)
- ☒ **(ZHE01)** Conditional Use
- ☐ **(ZHE02)** Expansion of a NonConforming Use
- ☐ **(ZHE03)** NonConforming Use / Status Established Building
- ☐ **(ZHE04)** Variance: ☐ Distance ☐ Setback ☐ Height ☐ Parking ☐ Size ☐ Other

SECTION NO. Page 76 # 2. REFERENCE SECTION NO:
(LEGAL AD) ACTION DESCRIPTION: A conditional use for ~~an~~ proposed outdoor seating for a cafe
SECTOR DEVELOPMENT AREA: University neighborhoods
ZONED: SU-2 CMU ZONE MAP PAGE: K-15 NO. OF SIGNS ISSUED: 2
POST SIGN(S) / STREET ADDRESS OF PROPOSED SPECIAL EXCEPTION: 1600 Central SE.

06-15-10 DATE OF PUBLIC HEARING
David Kilpatrick APPLICATION RECEIVED BY Z.E.O. (PRINT FULL NAME)
5-6-2010 DATE

(APN)	441018/4971000	$35.00
(CMP)	441032/3424000	$10.00
(ZHE)	441006/2558000	$100.00
FEE:		$145.00

SUPPLEMENTAL SHEET FOR SPECIAL EXCEPTION APPLICATION

ZHE 20100801 7 1

PROJECT #: 1 0 0 8 3 3 1 **APPLICATION #:** 1 0 **Z H E** 8 0 1 7 1

APPLICATION FOR: (CHECK AS APPROPRIATE)
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- ☐ **(ZHE02)** Expansion of a NonConforming Use
- ☐ **(ZHE03)** NonConforming Use / Status Established Building

☒ **(ZHE04)** Variance:
- ☐ Distance ☐ Setback
- ☒ Height ☐ Parking
- ☐ Size ☐ Other

SECTION NO. 14-16-3-19(A)(3)(g) REFERENCE NO: _____

(LEGAL AD) ACTION DESCRIPTION A variance of 4' to the allowed 3' height for a proposed Fence

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PROJECT #: _____ **APPLICATION #:** ___ **Z H E** _____

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- ☐ Distance ☐ Setback
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SECTION NO. _____ REFERENCE NO: _____

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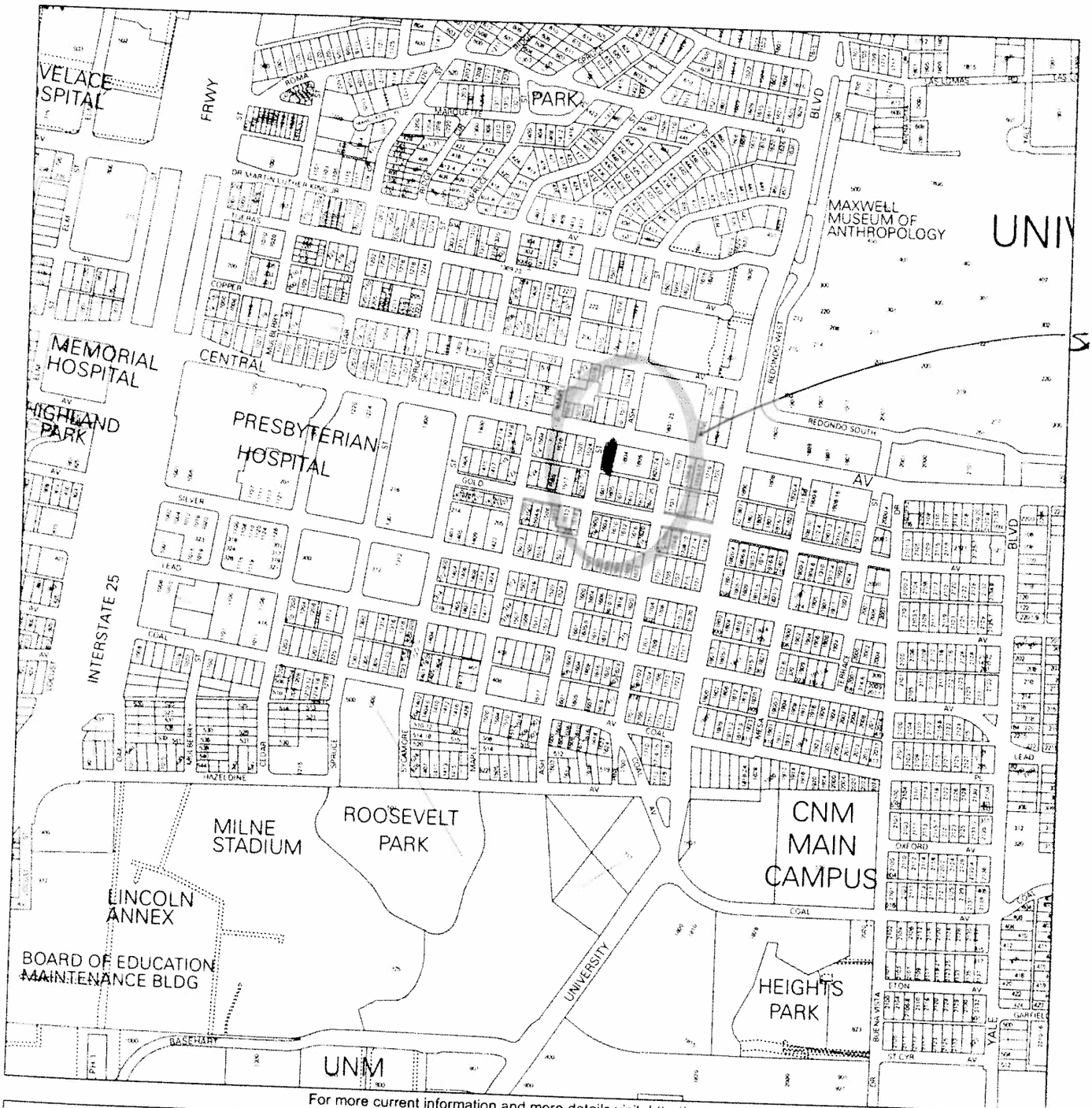
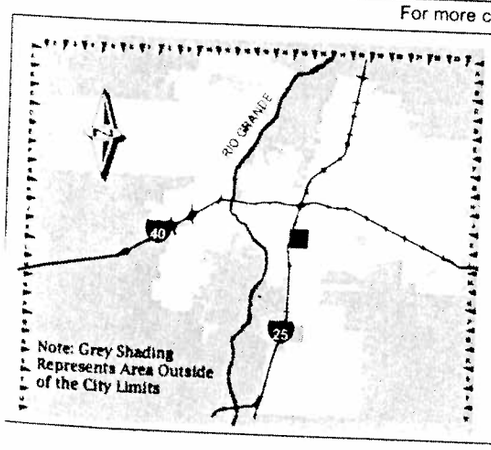
(LEGAL AD) ACTION DESCRIPTION _____



sk

For more current information and more details visit: http://www.cabq.gov/gis



Address Map Page:

K-15-Z

Map amended through: 4/7/2008

These addresses are for information purposes only and are not intended for address verification.

AGIS
Albuquerque Geographic Information System

0 750 1,500 Feet

Director of the City's Metropolitan Redevelopment Agency. A plan shall be approved only if found to conform to the University Neighborhoods Sector Development Plan and the Sycamore Metropolitan Redevelopment Plan.

7. Parking as a primary use, drive through windows, drive through restaurants, outdoor activities except parking or storage, and vehicle sales, rental, service, or repair are not allowed in the Transition Area south of Lead Avenue.

The CMU CENTRAL MIXED USE land use category corresponds to the C-2 Community Commercial Zone in the Comprehensive City Zoning Code, including any subsequent amendments, and is subject to the same regulations as that zone with the following exceptions:

1. Permissive residential uses in the R-3 zone which meet the open space requirements of the R-3 zone in the Comprehensive City Zoning Code are permissive uses in this land use category.

2. The following uses are not allowed, either permissively or conditionally: a) adult amusement establishments, adult book stores, adult photo studios, and adult theaters; b) drive-in restaurants and drive-through windows; and, c) vehicle sales, rental, service or repair.

3. All outdoor storage and activities listed as permissive uses in the C-2 Zone under Section 22.A.10. and not listed in paragraphj 2 above are conditional uses.

4. Sale of alcoholic drink under a restaurant license for the sale of beer and wine as provided by Section 60-64-4 NMSA 1978 is permissive. the use of a full service liquor license shall be allowed only as a conditional use, and a conditional use shall be granted only if the sale of alcoholic drinks will be in conjunction with a restaurant; any conditional use granted shall include conditions which assure that the sale of alcoholic drink is subsidiary to the sale of food.

5. Signs are regulated as in the C-1 zone.

6. For new construction on premises of 10,000 square feet or more and which is contiguous or across the street from an area zoned MD Mixed Density, a site development and landscaping plan must be approved by the City prior to issuance of a building permit, except that plans for rehabilitation for an existing building, or for additions which expand an existing building by less than 25%. A plan shall be approved only if found to conform to the University Neighborhoods Sector Development Plan and the Sycamore Metropolitan Redevelopment Plan.

those of International Electro Commission (IEC) Publication 651 or those of the latest respective revisions thereof;

b. Sound level measurements shall be A-weighted equivalent levels (Leq) collected during a consecutive fifteen minute period;

c. Analysis of wall effectiveness must be demonstrated using the latest version of the Federal Highway Administration's (FHWA) Traffic Noise Model or equivalent methology. An alternative predictive methodology consistent with FHWA's Traffic Noise Model may be used with prior written approval from the City of Albuquerque Environmental Health Department.

(3) A wall, fence, retaining wall, or vertical combination of these in a non-residential zone is not limited as to height except:

(a) Within five feet of public street right-of-way, where they shall not exceed three feet in height above the abutting grade on the street side; and

(b) If a wall, fence, retaining wall, or vertical combination of these abutting a residential zone has a height of over eight feet above the abutting grade on the residential side, the Zoning Hearing Examiner shall decide the required height through a conditional use.

(4) No wall, fence, or retaining wall or vertical combination of these shall be erected in the clear sight triangle unless the Traffic Engineer based on a finding that it would not be a traffic hazard approves its type and location.

(B) Design Regulations.

(1) Applicability. These design regulations shall apply to the following:

(a) The side of all walls, fences, retaining walls or a vertical combination of these that exceed four feet in height and that face:

1. Arterial, collector and local street rights-of-way;

2. Public park;

3. Public open space; and

4. Designated Public trails.

(b) Any wall that does not exceed four feet in height above the abutting grade on the public side shall only comply with (2) (b) Façade and (2) (c) Materials & Texture of this section.

(c) The public street side of all front, side, and rear yard walls that require a special exception.

(2) Design Standards. Walls shall contain variation in layout, façade surface, and/or pattern of openings, materials, texture and color.

(a) Layout.

1. The layout shall incorporate at least one of the following features to break the massing

May 5, 2010

George Case
1600 Central Ave. SE
Albuquerque, NM 87106

Mr. Roberto Albertorio, Esq., Zoning Hearing Examiner
City of Albuquerque
Zoning Enforcement Division
600 2nd Street NW, 7th Floor
Albuquerque, New Mexico 87102
Tel: (505) 924-3850
Address

Re: Letter of Authorization – For Conditional Use to **add a patio** for Yasmine's Café

I, George Case, authorize Mr. Tafazzul Hussain, AIA to represent on my behalf and be my agent for 1600 Central Ave. SE, Albuquerque, NM 87106 to design & add an exterior patio to the above referenced building in-order to proceed with the Conditional Use process for Yasmine's Café.
Mr. Hussain will be my agent for this one task only.
Please call me at (505)255-9302 if you have any questions.

Sincerely,

George Case.

AFRA CONSTRUCTION, LLC

2501 YALE BLVD. SE, SUITE 102
ALBUQUERQUE, NM 87106
PHONE: 243-9093
FAX: 998-3129
thussain@afra-design.com

May 03, 2010

Mr. Roberto Albertorio, Esq., Zoning Hearing Examiner
City of Albuquerque
Zoning Enforcement Division
600 2nd Street NW, 7th Floor
Albuquerque, New Mexico 87102
Tel: (505) 924-3850

Re: Variance for Yasmine's Cafe
1600 Central Avenue SE
Albuquerque, NM

Dear Mr. Albertorio:

Part 'A'

1) The City lot the Cafe is situated on is at the southeast corner of Central Avenue SE and Ash Streets. The physical characteristics the restaurant was originally built, is on a long and narrow piece of land, due to government actions or adoption of the existing regulations.

2) The parcel is exceptional compared with other land on the same side of Central Avenue SE that existed at the time of adoption of the regulations.

3) The parcel is very narrow in shape, and conditions existed at the time of adoption of the regulations, created this irregular lot for development.

Part 'B'

1) Due to the shape of the existing parcel, the past regulations have created an exceptional, substantial and unjustified limitation of the property owner's reasonable use of the property.

2) Any additions or upgrades for external uses to the property based on permitted uses of the existing zone is an extreme hardship.

Part 'C'

1) Under existing zoning regulations and permitted uses for SU-2, CMU, zone, outdoor activities are allowed.

2) The Variance will not significantly interfere with the enjoyment of other land in the vicinity.

3) The Variance for the New Patio is consistent with the spirit of the Zoning Ordinance, substantial justice, and the general public interest.

Thank you again for your consideration.

ADENDUM:
REQUESTING A VARIANCE OF 4'-0" ABOVE 3'-0" PERMISSIVE HIGH FENCE ALONG THE PROPERTY.
YWG
05.06.10

Sincerely yours,

Tafazzul Hussain,
Architect – owner

CC:
James W. Green
Architect – project manager

AFRA CONSTRUCTION, LLC

2501 YALE BLVD. SE, SUITE 102
ALBUQUERQUE, NM 87106
PHONE: 243-9093
FAX: 998-3129
thussain@afra-design.com

May 03, 2010

Mr. Roberto Albertorio, Esq., Zoning Hearing Examiner
City of Albuquerque
Zoning Enforcement Division
600 2nd Street NW, 7th Floor
Albuquerque, New Mexico 87102
Tel: (505) 924-3850

Re: Conditional Use for Yasmine's Cafe

Dear Mr. Albertorio:

A Conditional Use for Yasmine's Cafe, 1600 Central Ave. SE, Albuquerque, NM, is being submitted for an addition of a New 196 square foot Outdoor Patio. The New Patio shall be fenced-in so patio furniture remains on site. As per Site Plan, included in the submittal are the Floor Plan, West Elevation of the fence and the intersection Site Line indicating no obstruction of view for on-coming traffic from Central Ave.
As per Criteria, the circumstances for this submittal are, as follows:

1. Will not be injurious to the adjacent property, the neighborhood, or the community.
2. Will not be significantly damaged by surrounding structures or activities.

The Patio enhances surrounding activity and structures for patrons have the ability and choice to dine outside the restaurant.

Thank you again for your consideration.

Sincerely yours,

Tafazzul Hussain,
Architect - owner

CC:
James W. Green
Architect – project manager