



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

CITY OF ALBUQUERQUE, CODE ENFORCEMENT DIVISION request(s) a public hearing pursuant to Section 14-16-3-12(E)(2): a PUBLIC HEARING to review if the conditions of Project #1008049, with the name and ownership of LA FAMILIA DEAF GROUP HOME – LA FAMILIA, INC., have been complied with on all or a portion of Lot(s) 26, Block(s) 7, NORTHRIDGE ADDN, UNIT 4 zoned R-1, located at 8249 EVANGELINE COURT NE (F-19)

Special Exception No:.....**09ZHE-80381**
Project No:**Project# 1008049**
Hearing Date:01-21-11
Closing of Public Record:01-21-11
Date of Decision:02-07-11

STATEMENT OF FACTS: The City of Albuquerque, Code Enforcement Division, requests a public hearing to review if the conditions of Project #1008049, with the name and ownership of La Familia Deaf Group Home – La Familia, Inc., have been complied with. This matter was originally heard on January 11, 2010 at which time a decision to allow this Community Residential Program to operate was granted with the following conditions:

CONDITIONS:

1. La Familia, Inc. must participate in a facilitated meeting, arranged by the City, in order to meet with the Neighborhood Association, immediate neighbors and other interested parties;
2. La Familia, Inc. must establish a Deaf Group Home Community Council (please refer to letter date August 3, 2004 to Albuquerque Zoning and Neighbors on Evangeline Court by La Familia, Inc.);
3. La Familia, Inc. is to comply with all reporting requirements as provided in the original permissive use approval;
4. Any modifications to the pre-approval permit must initially be forwarded to the Zoning Enforcement Office for review and approval;
5. Total number of participants in the program is not to exceed 8. Male and female clients are permitted.
6. La Familia, Inc. must appear before the Zoning Hearing Examiner in January, 2011. The Zoning Hearing Examiner's Office must be notified by La Familia, Inc. by December 1, 2010 in order to schedule this hearing.

The hearing scheduled for January 21, 2011 was to determine if La Familia Inc. was following these conditions. Rosanna Trujillo, City of Albuquerque Code Enforcement Division, testified that even though it has taken some time for La Familia Inc. to meet all these conditions, they have been met. However, Ms. Trujillo is recommending that some additional conditions be placed on this approval.

All parties are in agreement that La Familia Deaf Group Home has complied with the conditions set forth by this office on the decision dated January 14, 2010. The CRP is allowed permissively and subject to the following conditions:

ADDITIONAL CONDITIONS:

1. The Community Residential Program under the name and location of La Familia Deaf Group Home, 8249 Evangeline Court NE, Albuquerque, NM, shall continue to be governed according to the provisions of Section 14-16-3-12 of the Comprehensive City Zoning code, ROA 1994; except
2. The operator shall semi-annually be subject to the Review Process as contained in Section 14-16-3-12(E)(1) of the governing provisions.
3. The program is permitted to provide care for up to eight (8) client residents. Male and female clients are permitted.
4. La Familia, Inc. shall take all the necessary steps to fulfill and uphold any agreements and/or provisions contained within a Resolution Agreement derived by Bridges of Peace, and agreed upon and consented to by the existing "Community Relations Committee (CRC)".
5. This Community Relations Committee must be maintained in conjunction with this Community Residential Program.

If you wish to appeal this decision, you may do so by 5:00 p.m., on February 22, 2011 in the manner described below:

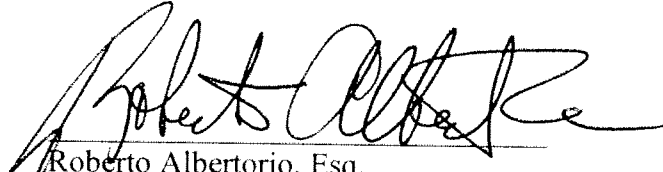
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level,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



Roberto Albertorio, Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File
La Familia Inc., Beverly Nomberg, Pres., 707 Broadway NE #103, 87102
S. Charles Archuleta, Keleher & McLeod, P.A., 201 Third NW, 12th Floor, 87103
Linda Carroll, 6100 Seagull Street, Ne, 87102
Nathan Gomme & Cheryl Padilla, 2500 Louisiana Blvd, Ste. 400, 87110
Loria Neubauer, 246 Coral Drive NE, Rio Rancho, 87124
Lisa McNiven, 2340 Menaul Blvd., NE, #120, 87107
Tupper Dunbar, 8249 Evangeline Court NE, 87102
Alice Tyler, 8216 Evangeline Court NE, 87102
Michael Ebbens, 8209 Evangeline Court NE, 87102
Darla Wilson, P.O. Box 27442, 87125
Sue Griffida, 13244 Twilight Trail Place NE, 87111
Richard Romero, 907 Silver SW, 87112
Cindy Swagerty, 8241 Evangeline Court NE, 87102
Robin Cook, 8232 Evangeline Court NE, 87102
Sue Maes, 8240 Evangeline Court NE, 87102
Charles Archuleta, P.O. Box AA, 87102
David Sorensen, 700 Broadway
Ed Wray, 8241 Avenida La Prestina NE, 87109
Dwight, Coles, 8233 Evangeline Court NE, 87102
Alicia Sisneros, 341 Adams Street NE, 87108
Barbara Schobel, 8249 Northridge NE, 87108
Sam Martinez, 4200 Montreal Loop, Rio Rancho, 87144
Corina Gutierrez, 2500 Louisiana Blvd., NE, #400, 87110
Lin Marksburg, 10601 Lomas NE, 87112
Lisa Gomme, 8249 Evangeline Court Ne, 87109
Ann Ebbers, 8209 Evangeline NE, 87109
Julie Padilla, 707 Broadway NE, Ste. 201, 87102
Roger & Cindy Swagerty, 8241 Evangeline Court NE, 87109