

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

EUGENE T. RUSSELL (DAC ENT., INC., AGENT) request(s) a special exception to Section 14-16-4-13: a STATUS ESTABLISHED BUILDING REVIEW to allow three existing dwelling units on one lot on all or apportion of Lot(s) 4, Block(s) 5, GADDIS SUBDIVISION zoned R-1, located at 712, 712 1/2, 714 MADISON ST NE (J-17)

Special Exception No:..... **12ZHE-80067**
Project No: **Project# 1009173**
Hearing Date: 04-17-12
Closing of Public Record: 04-17-12
Date of Decision: 05-02-12

I have reviewed the entire file as well as the recordings, I make the following:

STATEMENT OF FACTS: The applicant, Eugene T. Russell requests a Status Established Building Review to allow three existing dwelling units on one lot. Doug Crandall, agent for the applicant, testified that his client has owned his property since 1996. There is evidence in the file which shows that these dwelling units existed prior to the inception of the zoning code. The yellow sign was posted. Liza Terry, Lisa Finch and Hannah Wolberg testified at the hearing of their opposition to the existing dwellings.

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

DECISION: Approved with conditions.

CONDITIONS:

1. Any alteration of up to 25% to the total square footage of the existing dwellings will require a separate application for Special Exception for Expansion of Non-Conforming Use. This approval will be immediately vacated if the applicant does not comply with these conditions.
2. Four parking spaces must be maintained at all times on the property.
3. Landscaping must be maintained at all times on the property.
4. The building must be habitable at all times.

If you wish to appeal this decision, you may do so by 5:00 p.m., on May 17, 2012 in the manner described below:

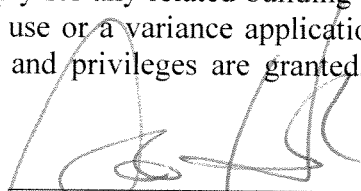
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, 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
ZHE File
Eugene T. Russell, 1304 Bryn Mawr Dr NE, 87106
DAC Enterprises, Inc., 9520 Mcallan Rd NE, 87109
Tari Smith, 716 Madison St, 87110
Mike Anderson, 728 Madison NE, 87110
Norman Mercado, 732 Madison NE, 87110
Mary Bennett, 739 Madison NE, 87110
Chris Witt, 733 Madison NE, 87110
Stan Steinberg, 715 Jefferson St NE, 87110
Rosemary Steinberg, 715 Jefferson St NE, 87110
Lisa & Eric Finch, 719 Madison St NE, 87110
Serena Wilson, 4801 Marble Ave NE, 87110
Sharon Lightle, 721 Monroe NE, 87110
Carol Ann Ifversen, 715 Monroe NE, 87110
Hannah Wolberg, 711 Madison NE, 87110
Doris Eng, 724 Madison NE, 87110

Joe & Mildred Bowdich, 704 Madison NE, 87110
Liza Terry and Joshua Cole, 710 Madison NE, 87110
Mike Youngman, 1825 Georgia NE, 87110