

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

THE AYURVEDIC INSTITUTE (WYNN WERNER, AGENT) request(s) a special exception to Section 14-16-2-16(B)(16): a CONDITIONAL USE for a proposed private school for all or a portion of Lot(s) 6-A, Block(s) 2, ENCHANTED MESA zoned C-1, located on 11405 MENAUL BLVD NE (H-22)

Special Exception No:..... **12ZHE-80199**
Project No:..... **Project# 1009327**
Hearing Date:..... 08-21-12
Closing of Public Record:..... 08-21-12
Date of Decision:..... 09-06-12

On August 21 2012, Wynn Werner, agent for the Ayurvedic Institute appeared in front of Interim Zoning Hearing Examiner, Stanley D. Harada requesting a conditional use to allow proposed retail sale of beer for off-premise consumption at 3403 Central Ave NE.

SUMMARY:

1. Mr. Werner requests a conditional use to allow a proposed private school 11405 Menaul Blvd. NE.
2. Mr. Werner testified that Ayurveda is an ancient holistic healing science from india that is rapidly becoming popular in the United States.
3. MR. Werner testified that they are a non-profit educational corporation, incorporated in the State of New Mexico in 1984.
4. Mr. Werner testified that Ayurveda several departments, adult education, correspondence course, private consultations, general sales, message, yoga and publishing.
5. Mr. Werner testified that customers come from Albuquerque and all across the country.
6. Mr. Werner testified that Ayurveda is licensed by the State of New Mexico Higher Education Department as a "private Post secondary Institution".
7. Mr. Werner testified that they are a slow growing school and generate approximately \$1,250,000 in gross annual revenue.
8. Mr. Werner testified that in 1994, Ayurveda applied and for and was granted a special exception (ZA-172) for a conditional use for current property in the category of schools, other than public.
9. Mr. Werner stated that Ayurveda has purchased the adjoining property located at 11405 Menaul which has been a transmission repair shop for almost 20 years.
10. Mr. Werner testified that the intention is to convert this building for a yoga studio and classroom. The hours of operation would be 6am to 9pm. In essence they are applying for the same type of special exception as in 1994.

11. Mr. Werner testified the property will not cause injury to the adjacent property, to the neighborhood, or to the community because all of their business is conducted within the building, not producing noise or other detectable activities outside the property.
12. Mr. Werner also testified that the surrounding structures or activities will not adversely affect the proposed activities because all of the current or anticipated near commercial uses are compatible with our various functions. The staff is professional and the business blends in with the surrounding community.
13. Mr. Robert Trudo, President of the Enchanted Park Neighborhood Association spoke in support of the requested project, and submitted a letter of support in the file.
14. There were no letters of opposition in the file.

FINDINGS: Ms. Wynn Werner, agent for the Ayurvedic Institute met the burden of a conditional use request to allow a proposed private school. The property does not appear to show any evidence of being injurious to the surrounding community, nor will it damage any adjacent properties in the area.

DECISION: Approved

If you wish to appeal this decision, you may do so by 5:00 p.m., on September 20, 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.

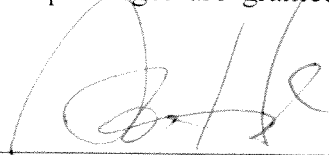
An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of 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
Wynn Werner, 11311 Menaul Blvd NE 87112
Robert A. Trudo, P.O. Box 11096 87192-0096
ZHE File