

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

VERONICA TORRES request(s) a special exception to Page 76 of the UNIVERSITY NEIGHBORHOOD SECTOR DEVELOPMENT PLAN and 14-16-2-17(B)(20): a CONDITIONAL USE to allow proposed tent activities for more than 14 days a year for all or a portion of Lot(s) 9, Block(s) 8, BROWNEWELL & LAIS HIGHLAND ADDN, zoned SU-2 CMU, located on 1511 CENTRAL AV NE (K-15)

Special Exception No:..... **12ZHE-80223**
Project No:..... **Project# 1009365**
Hearing Date:..... 09-18-12
Closing of Public Record:..... 09-18-12
Date of Decision: 10-03-12

On September 18, 2012 Veronica Torres appeared in front of Interim Zoning Hearing Examiner, Stanley D. Harada, for a conditional use to allow proposed tent activities for more than 14 days a year at 1511 Central Ave NE.

SUMMARY:

1. Veronica Torres requests a conditional use to allow tent activities for more than 14 days a year at 1511 Central Ave NE.
2. Ms. Torres testified she is the Executive Director for Tierra Ardeno of NM, which is National Institute of Flamenco Dancing..
3. Ms. Torres testified that she is seeking a special exception to place tents to be used for outdoor activities such as art and dance.
4. Ms. Torres testified that the tents are needed for more than 14 days for the year.
5. Ms. Torres testified that the request is to use the tents for classrooms until October when permanent classrooms will available, and that the tents will be used for art displays and similar functions a few times a year.
6. Ms. Torres testified that she has a sublease for the property and is in the 3rd year.
7. Ms. Torres testified that the request will not be injurious to the adjacent property, the neighborhood, or the community. It will not hinder traffic or any transportation issues.
8. Ms. Torres testified that the request will not be significantly damaged by surrounding structures or activities because of the temporary use of the tents.
9. Mardon Gardella, Zoning Chairperson for the Sycamore Neighborhood sent a letter of concern to the ZHE file.
10. Ms. Gardella does oppose the request, but would like to have a time limit on the number of days per year the tents can be erected on the property.
11. Ms. Gardella suggests that there should be a condition of approval should be specific as to the dates that the tents will be up.
12. The yellow signs were posted for there required time.

CONCLUSION: Ms. Veronica Torres has met the burden for a conditional use to allow proposed tent activities for more than 14 days a year at 1511 Central Ave NE. 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 with conditions.

CONDITIONS:

1. The tents are allowed to be erected for more than 14 days a year, and shall not be used more than four separate events for used for outdoor activities such as art and dance.
2. Applicant shall get Fire Marshall Approval for each event.

If you wish to appeal this decision, you may do so by 5:00 p.m., on October 18, 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.

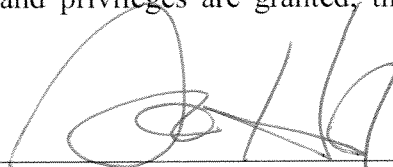
An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of 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
Veronica Torres, 1511 Central Ave NE 87106
Mardon Gardella, 1217 Coal Ave SE 87106
ZHE File