



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

505 QUICK CASH & PAWN (SHAWN C. SCOTT, AGENT) request(s) a special exception to Section 14-16-2-16(B)(11): a CONDITIONAL USE to allow proposed outdoor storage or activity on all or a portion of Lot(s) 24A, CORONA DEL SOL zoned C-1, located at 3250 COORS BLVD NW (G-11)

Special Exception No:..... **11ZHE-80238**
Project No: **Project# 1008979**
Hearing Date: 10-18-11
Closing of Public Record: 10-18-11
Date of Decision: 10-20-11

STATEMENT OF FACTS: The applicant, 505 Quick Cash & Pawn, requests a conditional use to allow proposed outdoor storage or activity. Mr. Scott, agent for the applicant, testified that this is a new family run business. If approved, large merchandise will be displayed on a patio pad that measures approximately 12' x 12'. There will be no merchandise blocking the sidewalk, parking spaces or handicap access. He indicated that merchandise displayed could include bicycles, generators, air compressors and tool boxes. No merchandise is left outdoors over night. Hours of operation are Monday through Friday from 9:00 a.m. to 6:00 p.m. There is plenty of parking at this location. The yellow sign was posted.

Jerry Bock testified in opposition to this request. He indicated that he is concerned about noise that may be created by this type of business. Mr. Scott indicated that all merchandise is manually taken in and out each day, and that there is no business being conducted after 7:00 p.m.

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

FINDINGS AND CONCLUSIONS: I find that this request complies with Section 14.16. 4. 2. (C). 1., for the granting of a conditional use upon a finding that the proposed use will not cause injury to the neighborhood, adjacent property or the community, nor will it be damaged by surrounding structures. For reasons stated above, this request is approved.

DECISION: Approved with conditions.

CONDITIONS:

1. No merchandise will block required parking spaces, pedestrian access or handicap parking ramp.
2. Absolutely no firearms, knives or weapons may be displayed outdoors.

If you wish to appeal this decision, you may do so by 5:00 p.m., on November 4, 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.



Anita Reina, Esq.
Deputy Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File
505 Quick Cash & Pawn, 3250 Coors Boulevard NW, 87120
Shawn Scott, 3119 Mountainside Parkway, 87111
Jerry Bock, 3405 Corona Drive NW, 87120