

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

ERNEST SANTISTEVAN (YOLANDA MONTOYA, AGENT) request(s) a special exception to Section Pg. 34 P.4 and Pg. 34 P.3: a CONDITIONAL USE to allow for an office to occupy more than 50% of an existing building on all or a portion of Lot(s) 11&12, Block(s) 40, HUNING HIGHLANDS ADDN zoned SU-2 RO, located at 701 COAL AVE SE (K-14)

Special Exception No:..... **10ZHE-80003**
Project No:..... **Project# 1008141**
Hearing Date:..... 03-16-10
Closing of Public Record:..... 03-16-10
Date of Decision:..... 03-18-10

STATEMENT OF FACTS: The applicant, Ernest Santistevan, requests a conditional use to allow for an office to occupy more than 50% of an existing building.

This matter was initially scheduled to be heard at the February 16, 2010 public hearing; however, neither the applicant nor his agent appeared at this hearing. This matter was automatically deferred to the March 16, 2010 public hearing and, again, neither applicant nor his agent appeared. This office has not been contacted by either Mr. Santistevan or Ms. Montoya with regard to this matter. Accordingly, this request has been denied due to the applicants' failure to appear at the public hearing for two consecutive months.

DECISION: Denied due to applicants' FTA.

If you wish to appeal this decision, you may do so by 5:00 p.m., on April 2, 2010 in the manner described below:

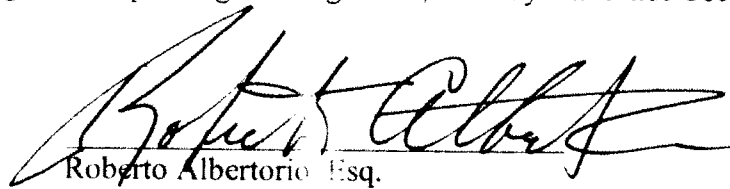
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, 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 **Please present this letter of notification when filing an appeal.** When an application is withdrawn, the fee shall not be refunded.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 granted, thereby have not been executed or utilized.



Roberto Albertorio Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File
Ernest Santistevan, 6208 Northland NE, 87109
Yolanda Montoya, 8724 Alameda Park Drive NE, 87113
Ann Carson, 416 Walter Street SE, 87102