



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

DISMAS CHARITIES, INC. (CONSENSUS PLANNING, AGENT) request(s) a special exception to Section 14-16-2-18(B)(1) and 14-16-2-17(B)(4): a CONDITIONAL USE to allow for the expansion of the existing 64 residents to 120 proposed residents for the approved Community Residential Program (03ZHE-02155) on all or a portion of Lot(s) F1, MENAUL DEVELOPMENT AREA zoned C-3 Heavy Commercial Zone, located at 2331 MENAUL BLVD NE (H-16)

Special Exception No:..... **09ZHE-80371**
Project No: **Project# 1008040**
Hearing Date: 11-17-09
Closing of Public Record: 11-17-09
Date of Decision: 12-01-09

STATEMENT OF FACTS: The applicant, Dismas Charities, Inc., requests a conditional use to allow for the expansion of the existing 64 residents to 120 proposed residents for the approved Community Residential Program (03ZHE-02155). Jim Strozier, agent for the applicant, testified that this matter was originally brought to and heard by the Zoning Hearing Examiner on January 20, 2004. That application was approved; however, the maximum number of residents was not to exceed 64.

A letter noted in the file from Mr. Strozier indicates that this facility is a transitional, community-based re-entry program that fits into and is involved in the life of the surrounding community. If approved, a 7,000 sq ft, one story addition will be added; along with a new parking lot containing 26 parking spaces. Other improvements will include: a new outdoor recreation area, a covered patio, bicycle racks, ADA access, an expanded drainage retention pond, and landscaping. This facility operates 24/7.

There are several letters of support from surrounding neighbors, including one from the Bel Air Neighborhood Association.

The yellow sign was posted. There was no opposition to this request at the hearing, nor is there any opposition noted in the file.

Based on all of the testimony and a review of the entire file, 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 condition(s)

CONDITION(S): Applicant must provide fencing around the perimeter of this facility.

The approval is subject to the submitted site plan, as required. Any substantial changes to the site plan, as determined by the Zoning Enforcement Division, shall require the scheduling of an additional Public Hearing.

If you wish to appeal this decision, you may do so by 5:00 p.m., on December 16, 2009 in the manner described below:

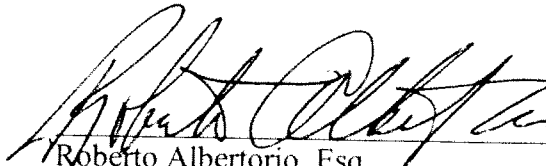
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, 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.


Roberto Albertorio, Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File
Dismas Charities, Inc., 2500 7th Street Road, Louisville, KY 40208

Consensus Planning, Inc., 302 8th Street NW, 87102
Sharon Cotton
Caroline Martinson
Larry Bush
Paul Trautman
B.J. Cordova
Jerry Abramson
Dean Freancy
Eric Buckley
Tony Smith
Barbara Strahm
Richard Wiles
Barbara Tarpley
Robert Geng
Cosimo Leo
John Lukacs
Melissa Dabney
Edward Lindsey, Jr.
Connie Baca
Tom Hornback
Mark Wanchek
Greg Perez
Arlene Jenke
Tim Singleton
Eric Villanueva
Pastor, John Hill
Robert Lucero
Edward Pinon
Rebecca Vigil-Giron
Joe Williams
Lee Julian
Mark Perry
Catherine Finley
Samuel Carnes
Jason Lions
Raymond Wells
David Perovich
K. Sean Bowman
Karen Burnhardt
Prudential Overall Supply
Homer Gonzales
Yolanda Herrera
The Micah Group of Albuquerque
Bronson Duran
Advantage Foam Roofing
Xentel Inc.
Michelle Orellana
Mike McDaniel

Derek Gladstone
Black Angus
The Drivers Den Auto Sales
Goodwill, Rebecca Pullen
Randy Ulibarri
Lilia Trejo
Denise Conklin
Thrift Town
Andy Frias
Eric Montoya
Robert Aragon
CNM
Craig Gaymon
Cathy Janke
Andre Garcia
Wanda Richardson
Brynda Benham
Lisa Martinez
John Block, III
Steve Henning
Kip Vaughn
Fred Sanchez
Donner/Sayer
Patrick Butler
Barbara Johnson
Jan Zerr
Lee Julian
Irma Sedillo
Jim Kidd
Anita L. Chavez
Steve Trowbridge
Ron Gurley
Jeff Bingaman
Carlos Flores
Barbara While
Joe Nunez
David Armstrong
Lee Robert Jones
Judy Simpson
Johnny Dumas Myers
Fred Reeves
Don Mynear