

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

DENISE HIPPI request(s) a special exception to Section 14-16-2-16(B)(11); a **CONDITIONAL USE** to allow for existing outdoor display of tires and related stock in a C-1 zone on all or a portion of Lot(s) 23, Block(s) 16, ALTAMONT ADDN zoned C-1, located at 5200 COMANCHE RD NE (G-17)

Special Exception No:..... ***IR* 10ZHE-80005**
Project No: **Project# 1008143**
Hearing Date: 02-16-10
Closing of Public Record: 02-16-10
Date of Decision: 02-25-10

STATEMENT OF FACTS: The applicant, Denise Hipp, requests a conditional use to allow for existing outdoor display of tires and related stock in a C-1 zone. Ms. Hipp testified, at the hearing, that she owns the property and leases it to Venado Tires. She indicated that all repair and installation of tires will be done indoors. A new garage door is being installed immediately. There are two letters noted in the file, one in opposition to this request and one in support of this request.

The outdoor display of tires and related stock, even on a daily basis, may add an unpleasant visual clutter to San Mateo. Furthermore, the other retail establishments would be negatively impacted by the allowance of this type of outdoor display which may call for other requests of this nature. In the view of the Zoning Hearing Examiner that would be an unwelcomed activity. The potential for proliferation of this kind of activity of outdoor display would only cause clutter and interference with pedestrian traffic and would have a negative impact on the community. I find that this proposed use would cause injury to the neighborhood, adjacent property and the community in that it will impact the streetscape in a negative manner and devalue much of the property.

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

FINDINGS AND CONCLUSIONS: I find that this request does not comply with Section 14. 16. 4. 2. (C). 1., for the granting of a conditional use upon a finding that the proposed use will cause injury to the neighborhood, adjacent property or the community, and will be damaged by surrounding structures. For reasons stated above, this request is denied.

DECISION: Denied.

If you wish to appeal this decision, you may do so by 5:00 p.m., on March 12, 2010 in the manner described below:

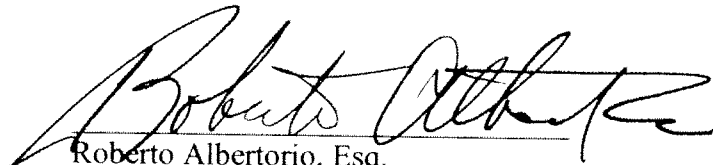
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level,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



Roberto Albertorio, Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File
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