



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

REYNA MARTINEZ (DAC ENT., AGENT) request(s) a special exception to Section 14-16-2-16(B)(11): a CONDITIONAL USE to allow outdoor storage or activity for the display of tires & a tire changing station on all or a portion of Lot(s) 13-16, Block(s) 16, MESA PARK ADDN zoned C-1, located at 505 LOUISIANA BLVD SE (L-18)

Special Exception No:..... **10ZHE-80176**
Project No: **Project# 1008335**
Hearing Date: 06-15-10
Closing of Public Record: 06-15-10
Date of Decision: 06-29-10

STATEMENT OF FACTS: The applicant, Reyna Martinez, requests a conditional use to allow outdoor storage or activity for the display of tires and a tire changing station. Doug Crandall, agent for the applicant, testified that his client has recently moved to this location after being in business, at a previous location, for approximately ten years. The new building is 821 square feet and will be used as office space and for storage of equipment and small parts. There will be one tire changing station on the south side of the property and all tires will be stored on racks to the rear of the property. There will be a 6' high wall around the property so the tires will not be visible from the street. The closest residential dwelling is approximately 50' away from the location where the tires will be stored. The proposed business hours will be Monday through Saturday from 8:00 a.m. to 6:00 p.m.

The opposition raised issues of the lack of nightly clean up and further that the activity has continued prior to a determination from this office.

The applicant's agent was requested to advise his client that a nightly clean up of the area is required. This will be a condition of approval. Similarly the applicant was admonished regarding this use prior to approval.

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 ensure area is cleaned up nightly.

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 July 14, 2010 in the manner described below:

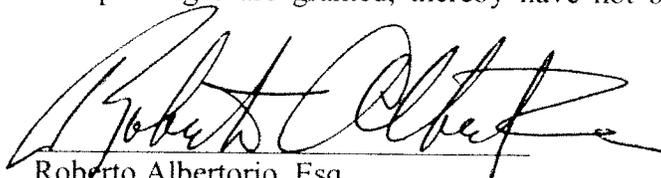
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level,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