



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

KENNETH & EMILY BRUDOS (SUSAN PRICE, AGENT) request(s) a special exception to Section 14-16-3-4(A)(3): an EXPANSION OF NON-CONFORMING USE of 23% to allow for a proposed addition remodel on all or a portion of Lot(s) 38, Block(s) 3, DOUGLAS MACARTHUR SUBDIVISION zoned R-1, located at 5309 10TH CT NW (F-14)

Special Exception No:..... **10ZHE-80226**
Project No:..... **Project# 1008390**
Hearing Date:..... 08-17-10
Closing of Public Record:..... 08-17-10
Date of Decision: 08-26-10

STATEMENT OF FACTS: The applicants, Kenneth & Emily Brudos, request an expansion of non-conforming use of 23% to allow for a proposed addition remodel. Susan Price, agent for the applicant, testified that there are three existing units on this property, a duplex and a separate unit. The use will not change from what it has been used for since 1957. The expansion will be approximately 457 sq ft. 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 that there is substantial evidence to make the following findings and conclusions:

FINDINGS AND CONCLUSIONS: I find that this expansion of a nonconforming use and/or structure will not significantly interfere with the enjoyment of other land in the vicinity, nor will it be significantly damaged by surrounding structures or activities and, therefore, meets the test for the granting of an expansion of a nonconforming use as provided for by Section 14. 16. 3. 4. (A) (3). Further, the owner of this property will experience unnecessary hardship, and in addition, will be denied a continued reasonable use of the property if the expansion is not approved. I further find that this expansion does not exceed 25% of the floor or ground area in nonconforming uses on the site at the time it became nonconforming and the owner covenants that the use of the entire premises will be ceased or made conforming at the time specified by this Zoning Ordinance for termination of the original nonconforming use on the premises. Finally, this expansion of a nonconforming use is consistent with the spirit of the Zoning Ordinance, substantial justice, and the general public interest.

DECISION: Approved.

If you wish to appeal this decision, you may do so by 5:00 p.m., on September 10, 2010 in the manner described below:

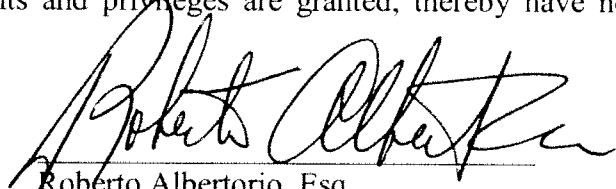
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, 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
Kenneth & Emily Brudos, 6441 Via Corta del Sur NW, 87120
Susan T. Price, 3700 Coors Blvd Blvd, NW, Ste. E, 87120