



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

JIM SAMORA request(s) a special exception to Section 14-16-2-16(B)(11): a CONDITIONAL USE to allow existing outdoor activity for the repair of vehicles on all or a portion of Lot(s) B, HORN INVESTMENTS zoned C-1, located at 1201 MENAUL BLVD NW (H-13)

Special Exception No:..... **10ZHE-80233**
Project No: **Project# 1008397**
Hearing Date: 10-19-10
Closing of Public Record: 10-19-10
Date of Decision: 10-20-10

STATEMENT OF FACTS: The applicant, Jim Samora, requests a conditional use to allow existing outdoor activity for the repair of vehicles. Mr. Samora indicated that most auto repairs are done inside the building; however, some small jobs are performed outside. He stated that he has a vehicle lift which is under a covered shade structure to the front of the property. Mr. Samora has been leasing this property for approximately eight years. He is currently 1.5 years into his three year lease.

William Kraemer who was representing the Near North Valley Neighborhood Association testified at this hearing. He indicated that they would support this request if some conditions are imposed upon an approval. Mr. Samora is in agreement with such conditions.

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 conditions.

CONDITIONS:

1. Outdoor activity in the C-1 zone is limited to C-1 permissive uses and limited repair of automobiles in a single outside work bay.
2. No sales of automobiles or storage of inoperative vehicles or miscellaneous equipment will be allowed on this C-1 site under any circumstances.
3. This approval shall be conditional upon full compliance with landscaping and 15% of the site to be landscaped.

- a. However the neighborhood understands that full compliance at this time is not economically feasible. The applicant shall prepare an interim landscaping plan to help screen the allowed outdoor activity. This landscaping can be accomplished in above ground pots or planters and shall not require an irrigation system. Applicant shall be responsible for watering, maintenance and replacement of the interim landscaping.
 - b. At such time the City of Albuquerque constructs the 12th & Menaul round about and related infrastructure improvements. The applicant and property owner will co-operate with the City in accommodating the permanent landscape buffer improvements. Co-operation may include accommodating additional pedestrian facilities and full landscape buffering. It also may require the property owner or applicant to remove or relocate the wrought iron fence which is located in an impermissible location.
4. The incomplete and damaged building mounting sign on the south elevation of the existing structure shall be removed and not be replaced.
 5. The property shall be cleaned of weeds, litter and debris on a regular basis. Conditional use permit shall be valid for a period of two years. At the end of two years and prior to October 1, 2012, Mr. Zamora must contact the Office of the Zoning Hearing Examiner (505.924.3918) to ensure that this matter is included on the November 2012 agenda and that a review of this approval is conducted.

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 November 4, 2010 in the manner described below:

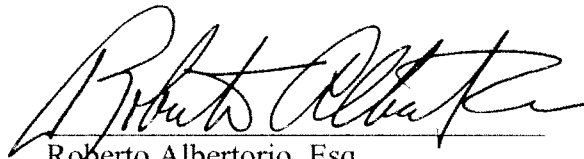
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level,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

A handwritten signature in black ink, appearing to read 'Roberto Albertorio', written over a horizontal line.

Roberto Albertorio, Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File
Jim Samora, 1201 Menaul Boulevard NW, 87107
William Kraemer, 1 Garden Park NW, 87107