

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

ARTHUR HAYMAN request(s) a special exception to Section Pg. 31 & 32, Section B, 5 of the Huning Highland SDP: a CONDITIONAL USE to allow a proposed parking lot on all or a portion of Lot(s) 5, Block(s) 9, HUNING HIGHLAND zoned SU-2 MR, located at 119 ARNO ST SE (K-14)

Special Exception No:..... **11ZHE-80130**
Project No:..... **Project# 1008819**
Hearing Date: 01-17-12
Closing of Public Record: 01-17-12
Date of Decision: 01-27-12

STATEMENT OF FACTS: The applicant, Arthur Hayman, requests a conditional use to allow a proposed parking lot. This matter was initially scheduled for the June 21, 2011 hearing at which time the Agent, William Kraemer, requested a deferral to the September 21, 2011 hearing. At the September ZHE hearing, the matter was again deferred to November 14, 2011 so the applicant/agent could revise the site plan. Once again, in November, Mr. Kraemer requested another deferral to the January 17, 2012 hearing and the deferral was granted.

Mr. Kraemer testified that this request is not for a permanent parking lot as he feels that a permanent parking lot would be injurious to the neighborhood. The vacant lot is currently being used as parking for employees of the Standard Diner. If approved, improvements, including landscaping, improvements to parking surface and fencing will be added. He is recommending that if this application is approved, a condition that the parcel may only be used as a parking lot for two years be placed on the approval.

Michael Wewerka, who is with the EDO Neighborhood Association, supports this request with the conditions that the parking lot only be temporary (no longer than three years) and landscaping and parking surface be improved.

Moises Gonzales, who is with the Huning Highland Neighborhood Association, testified in opposition to this request. He feels that if this request is approved, other individuals will want to also turn vacant lots into parking lots and that would be injurious to the neighborhood.

There is also a letter of opposition from Maria Montano noted in the file.

Mr. Kraemer stated that he would agree to the following: two year time limit as a condition for approval as well as the curbing be replaced; landscaping improvements; addition of a 3' high fence/wall around the parking lot; parking surface be graveled and closure of the Arno entrance.

In the alternative, Mr. Kraemer suggests that a one year deferral would be the maximum time needed in order to bring this property into compliance.

The concerns of the opponents to a permanent conditional use approval is well placed. The long term goal is to do what is best for the community of residential and commercial use neighbors.

The limited deferral of one year gives opportunity to the parties to collectively work on a project which will maintain the integrity of the residential community and may serve as an impetus for the improvement of other property in this area.

Therefore, a deferral for one is granted but it is marked final. There will be no other approvals for deferral.

DECISION: A one (1) year deferral at the request of the applicant is granted.

If you wish to appeal this decision, you may do so by 5:00 p.m., on February 13, 2012 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.

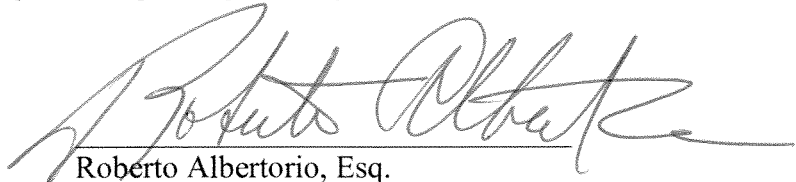
An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of 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
Arthur Hayman, 717 Encino Place NE, 87102
William Kraemer, 600 First Street NW, Ste. 211, 87102
Maria Montano, 400 Central Avenue SE, Apt. 202, 87102