

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

MICHELLE AND CHARLES TATLOCK request(s) a special exception to Section 14-16-2-6(B)(1): a CONDITIONAL USE to allow a existing accessory living quarters for all or a portion of Lot(s) 22, Block(s) 45, UNIVERSITY HEIGHTS zoned R-1, located on 405 TULANE DR SE (K-16)

Special Exception No:..... **12ZHE-80120**  
Project No: ..... **Project# 1009216**  
Hearing Date: ..... June 19, 2012  
Closing of Public Record: ..... June 19, 2012  
Date of Decision: ..... July 5, 2012

On June 19, 2012, the Zoning Hearing Examiner heard Project# 1009216, 12ZHE-80120, a conditional use to allow an accessory living quarters at 405 Tulane Dr NE.

**FINDINGS:**

1. The applicants, Michelle and Charles Tatlock request a conditional use to allow an accessory living quarters at 405 Tulane Dr. SE.
2. The Tatlocks have owned the property since April 2012.
3. The previous owners had initiated the special exception prior to the Tatlocks purchasing the property, and the Tatlocks are seeing the request through.
4. Mrs. Tatlock testified that prior to purchasing the property the previous owners had a son who used the structure as a living quarters while going to school.
5. Mrs. Tatlock testified that they would like to use the accessory structure as a guest quarters for family members.
6. According to Mrs. Tatlock, they do not know when the accessory structure was built and testified that it does not have a separate meter.
7. The Talocks do not believe the proposed request would be harmful to the surrounding community and feel that the request would fit in nicely with the surrounding community. They believe it will not be noticed and will enhance the value of properties throughout the community.
8. If approved, the Tatlocks agreed to not use the accessory living quarters as a rental unit, or place a cooking device of any kind in the accessory structure.
9. The Tatlocks met with their neighbor's for support and received it.
10. There is no opposition to this request.
11. There are five letters of support in the file (Lenore Pardee, Joe and Kassie Guzzardi, Melissa A. Belluomini, the Nob Hill Neighborhood Association, and Ken and Koren Walston).
12. The yellow signs were posted.

**CONCLUSION AND DECISION:** There is substantial evidence to support the application submitted, and it is therefore approved with conditions.

**CONDITIONS:**

1. This approval is for the family members and guests of the residence.
2. This accessory structure may only be used as a guesthouse without a second kitchen.
3. The approval of this special exception will be rescinded and code enforcement will follow immediately.
4. 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 20, 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.

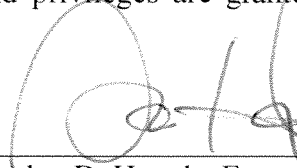
An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of 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.



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Stanley D. Harada, Esq.  
Interim Zoning Hearing Examiner

cc: Zoning Enforcement  
ZHE File  
Michelle and Charles Tatlock, 405 Tulane Dr NE, 87106  
Michael Abramovich, 9201 Montgomery Blvd NE, 87111  
Ken and Koren Walston, 414 Tulane Dr SE, 87106  
Nob Hill Neighborhood Association, Inc., PO Box 4875, 87196  
Lenore Pardee, 406 Tulane Dr SE, 87106  
Joe & Kassie Guzzardi, 403 Tulane Dr SE, 87106  
Melissa A. Belluomini, [MeWalker@salud.unm.edu](mailto:MeWalker@salud.unm.edu)