

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

HOUSE OF PRAYER (INDEPENDENT ASSEMBLY OF GOD) (TERRANCE LENTE, AGENT) request(s) a special exception to Section 14-16-3-1(A)(3): A variance of 12 parking spaces to the required 12 parking spaces for a proposed church for all or a portion of Lot(s) 14, EVANS ADDN zoned C-3, located on 5311 ACOMA RD SE (K-18)

Special Exception No: **12ZHE-80176**
Project No: **Project# 1009248**
Hearing Date: June 19, 2012
Closing of Public Record: June 19, 2012
Date of Decision: July 5, 2012

On June 19, 2012, the Interim Zoning Hearing Examiner, Stanley D. Harada heard Project# 1009248, 12ZHE-80176, a variance of 12 parking spaces to the required 12 parking spaces for a proposed church at 5311 Acoma Rd SE.

SUMMARY:

1. Doug Crandall, agent for Terry Lente and House of Prayer (Independent Assembly of God) requests a variance of 12 spaces to the required 12 spaces for a proposed church at 5311 Acoma Rd SE.
2. Mr. Crandall testified that there is no need for a variance request for the property at 5311 Acoma Rd SE.
3. Mr. Crandall submitted a document that addresses the fact that Section 40.A of the Zoning Code (40.A.4.C) provides an exemption for all buildings constructed before October 22, 1965.
4. Doug Crandall, agent for Terry Lente and House of Prayer (Independent Assembly of God) testified that the property is located near the corner of Acoma SE and San Mateo Blvd SE. The buildings located in the area were built in the 1950's and have been used for everything from auto repair to warehouses as well as retail. The adjacent property to the west is an auto emissions testing station, and to the east is an auto repair shop. The property to the north is an existing food bank warehouse that is operated by the applicant.
5. Mr. Crandall testified that the applicant would like to open a church. It will be small in size and serve a small population and will have church services in the evenings and Sunday mornings, which would not be invasive or injurious to the neighborhood or surrounding community.
6. Mr. Crandall stated that the majority of church patrons will be those who use the food bank. Church services will be in the evenings and on Sunday mornings, and will not be in conflict with parking spaces and other businesses. Many of the attendees will be bicyclists or pedestrians.
7. There are no letters of opposition in the file nor was there any opposition at the hearing.

8. The yellow signs were posted.
9. This matter was recommended for facilitation through the City of Albuquerque Land Use Facilitation Program. The South San Pedro Neighborhood Association was fine with the proposed church.
10. There is a letter of support in the file from Juan Gavaldon.

FINDINGS:

1. Section 40 A. of the Zoning Code provides an exception to all buildings constructed before October 22, 1965.
2. The building at 5311 Acoma Rd. SE was built before 1965.

There is substantial evidence to support the application submitted, and it is therefore approved.

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.

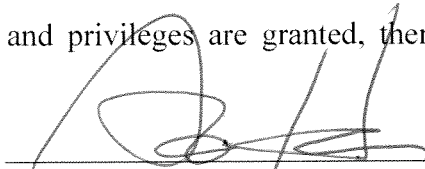
An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of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

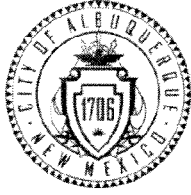
Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for 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.



Stanley D. Harada, Esq.
Interim Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File
Terrance Lente, 5308-A Coal Ave SE, 87108
House of Prayer, 5311 Acoma SE, 87108
Juan Gavaldon, 5317 Acoma Rd SE, 87108
Doug Krandall, 9520 McAllan Rd NE, 87109



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HOUSE OF PRAYER (INDEPENDENT ASSEMBLY OF GOD) (TERRANCE LENTE, AGENT) request(s) a special exception to Section 14-16-2-18(A)(1) and 14-16-2-17(B)(3): a CONDITIONAL USE for a proposed church for all or a portion of Lot(s) 14, EVANS ADDN zoned C-3, located on 5311 ACOMA RD SE (K-18)

Special Exception No:..... **12ZHE-80143**
Project No: **Project# 1009248**
Hearing Date: June 19, 2012
Closing of Public Record: June 19, 2012
Date of Decision: July 5, 2012

On June 19, 2012, the Interim Zoning Hearing Examiner, Stanley D. Harada heard Project #1009248, 12ZHE-80143, a conditional use for a proposed church at 5311 Acoma Rd SE.

SUMMARY:

1. Doug Crandall, agent for Terry Lente and House of Prayer (Independent Assembly of God) testified that the property is located near the corner of Acoma SE and San Mateo Blvd SE. The buildings located in the area were built in the 1950's and have been used for everything from auto repair to warehouses as well as retail. The adjacent property to the west is an auto emissions testing station, and to the east is an auto repair shop. The property to the north is an existing food bank warehouse that is operated by the applicant.
2. Mr. Crandall testified that the applicant would like to open a church. It will be small in size and serve a small population and will have church services in the evenings and Sunday mornings, which would not be invasive or injurious to the neighborhood or surrounding community.
3. Mr. Crandall stated that the majority of church patrons will be those who use the food bank. Church services will be in the evenings and on Sunday mornings, and will not be in conflict with parking spaces and other businesses. Many of the attendees will be bicyclists or pedestrians.
4. There are no letters of opposition in the file nor was there any opposition at the hearing.
5. The yellow signs were posted.
6. This matter was recommended for facilitation through the City of Albuquerque Land Use Facilitation Program. The South San Pedro Neighborhood Association was fine with the proposed church.
7. There is a letter of support in the file from Juan Gavaldon.

CONCLUSION AND DECISION:

1. The request will not be injurious to the surrounding properties or community.
2. There is substantial evidence to support the application submitted, and is therefore approved.

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:

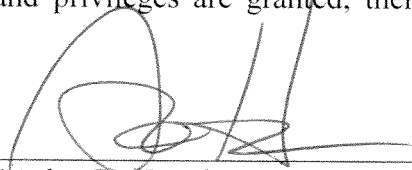
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Stanley D. Harada, Esq.
Interim Zoning Hearing Examiner

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