

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

SUSAN SALAZAR request(s) a special exception to Section 14-16-2-6 (B)(11) and Page 71 of the BARELAS SECTOR DEVELOPMENT PLAN, SU-2 R-1: a CONDITIONAL USE for a proposed second kitchen for all or a portion of Lot(s) 21&22, Block(s) 3, JOHN LEE ADDITION zoned SU-2 R-1, located on 433 PACIFIC NW (K-14)

Special Exception No:..... **12ZHE-80181**
Project No: **Project# 1009298**
Hearing Date: 08-07-12
Closing of Public Record: 08-07-12
Date of Decision: 08-20-12

On August 7, 2012, Susan Salazar appeared in front of Interim Zoning Hearing Examiner, Stanley D. Harada requesting a conditional use to allow a second kitchen at 433 Pacific SW.

SUMMARY:

1. Ms. Susan Salazar requests a conditional use to allow a second kitchen in a single family residence at 433 Pacific SW.
2. Ms. Salazar testified that the conditional request is to have a second kitchen for her mother who is moving in with her. This is an older home in the Barelmas neighborhood with 4 bedrooms and 2 baths.
3. Ms. Salazar testified that she would like to turn a portion of the hose into a separate living area to give her mother a sense of freedom and independence, as well as having her close by.
4. Ms. Salazar testified that the conditional use request will not be injurious to the surrounding community or damage any adjacent property. There are many small residences in the area, and this request will not be out of scale for the surrounding community. This request will not damage any other structures in the neighborhood.
5. Ms. Salazar testified that both adjacent neighbors have rental properties and will not be negatively impacted by this request.
6. If approved, Ms. Salazar acknowledged that the Zoning Hearing Examiner shall record the terms of the action with the county clerk together with a signed acceptance of such terms by the owners. The terms of the city action shall run with the land.
7. There were no letters of opposition in the file, nor were there any opposition at the hearing.
8. Ms. Salazar has owned the property since December 2011.
9. The yellow signs were posted for the time required.

FINDINGS: I feel that Ms. Salazar has met the burden of the conditional use request to allow a second kitchen in a single family dwelling at 433 Pacific SW. The property does

not appear to show any evidence of being injurious to the surrounding community, nor will it damage any adjacent properties in the area.

DECISION: Approved with a condition.

CONDITION:

1. The Zoning Hearing Examiner shall record the terms of the action with the county clerk, together with a signed acceptance of such terms by the owners. The terms of the city action shall run with the land.

If you wish to appeal this decision, you may do so by 5:00 p.m., on September 3, 2012, in the manner described below:

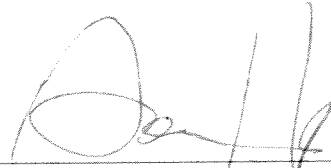
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, 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
Susan Salazar, 443 Pacific SW 87105