

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

ANA LILIA ZUNIGA request(s) a special exception to Section 14-16-2-6(B)(5) : a CONDITIONAL USE to allow a proposed child day care for up to 12 children for all or a portion of Lot(s) 234A, RIO GRANDE HEIGHTS ADDN zoned R-1, located on 401 DOLORES DR SW (K-11)

Special Exception No:..... **12ZHE-80251**
Project No: **Project# 1009393**
Hearing Date: 09-18-12
Closing of Public Record: 09-18-12
Date of Decision: 10-03-13

On September 18, 2012 Ana Lila Zuniga appeared in front of Interim Zoning Hearing Examiner, Stanley D. Harada, for a conditional use to allow up to 12 children for a proposed home family day care at 401 Dolores Dr SW.

SUMMARY:

1. Ana Lila Zuniga requests a conditional use to allow up to 12 children for a proposed home family day care at 401 Dolores Dr. SW.
2. Ms. Zuniga testified that the name of the business is El Nino Childcare.
3. Ms. Zuniga testified that she is proposing to expand from six to up to twelve children to maximize the potential of the business. This is the reason for his request.
4. Mr. Zuniga testified that the goal is to obtain a commercial property to run a day care business in the future.
5. Ms. Zuniga testified that she has owned the property for 3 years.
6. Ms. Zuniga testified that she is licensed by CYFD and has logged 45 hours of training. She has 2 years of college in the child development program.
7. Ms. Zuniga testified that her cousin who lives at the residence will assist in caring for the children. The hours will be from 5:00 am to 9:00 pm Monday thru Saturday. Both have extensive childcare training hours with CYFD.
8. Mr. Zuniga testified the 6 current children ages range from 12 weeks to 12 years.
9. Ms. Zuniga testified the house is surrounded by a 6' fence in the rear yard play area.
10. Ms. Zuniga testified that she is in contact with the Fire Marshall's Office for proper sprinkling and house safety issues pertaining to the children. There is also a gate that separates the children from the kitchen per fire code regulations. Ms. Zuniga is aware of the changes that were recommended if this request is approved in April of 2013.
11. Ms. Zuniga testified that she has a 1'x1' sign on the front of the residence, which is allowed per the Albuquerque City Zoning Code.

12. Ms. Zuniga testified that she does not transport children at this time, but would like to in the future.
13. Ms. Zuniga testified that the conditional use request will not be injurious to the surrounding community and not be invasive to the neighbors. Ms. Zuniga has spoken to the neighbors, and has received no adverse comments. There are no letters of opposition in the file.
14. The yellow signs were posted for the required time.

FINDINGS:

Ms. Zuniga has met the burden for a conditional use to allow up to 12 children for a proposed home family day care at 401 Dolores Rd 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.

If you wish to appeal this decision, you may do so by 5:00 p.m., on October 18, 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.

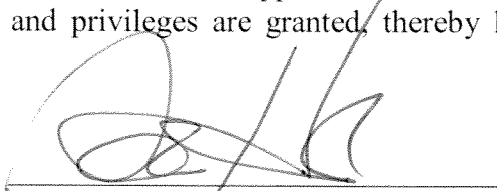
An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of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

Stanley D. Harada, Esq.
Interim Zoning Hearing Examiner

cc: Zoning Enforcement
Ana Lila Zuniga, 401 Dolores Dr SW 87121
ZHE File