



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

LORRAINE CANDELARIA (HOLLY ARROYO, AGENT) request(s) a special exception to Section Pg. 45 A. 1. a.: a CONDITIONAL USE to allow an existing multi-family dwelling in an SU-2 MR zone on all or a portion of Lot(s) 6, Block(s) 2, LEWIS HIGHLAND ADDN # 1 zoned SU-2 MR, located at 619 ARNO ST SE (K-14)

Special Exception No:..... **12ZHE-80019**
Project No: **Project# 1009110**
Hearing Date: 02-21-12
Closing of Public Record: 02-21-12
Date of Decision: 03-06-12

STATEMENT OF FACTS: The applicant, Lorraine Candelaria, requests a conditional use to allow an existing multi-family dwelling in an SU-2 MR zone. Ms. Arroyo testified, at the hearing, that her client's father purchased a home two houses south of 619 Arno in 1955; the apartment building existed at this time and the apartments were rented out. Ms. Candelaria's parents purchased the property at 619 Arno Street SE in 1972. The current owners acquired the property from her parents and her father continues to live next door in a separate residence. The two adult children of the owners currently reside in the rear building.

This property has historically had more than one residence. Both units were constructed with kitchens. There is ample parking. Six immediate neighbors provided signatures in support.

Testimony in opposition was given by Diana Dorn-Jones, South Broadway Neighborhood Association, stating that this case by case review process is not in the best interest of the neighborhood and may be injurious of the South Broadway Neighborhood Sector Development Plan. The zoning in the South Broadway Neighborhood Sector Development Plan is SU-2/MR, with uses listed as permissive and as regulated in the R-1 zone of the City of Albuquerque Comprehensive City Zoning Code.

Based on all of the testimony and a review of the entire file, it is determined there is substantial evidence to make the following findings and conclusions:

FINDINGS AND CONCLUSIONS: I find that this request complies with Section 14.16.4.2.(C).1., for the granting of a conditional use upon a finding that the proposed use will not cause injury to the neighborhood, adjacent property or the community, nor will it be damaged by surrounding structures. For reasons stated above, this request is approved.

DECISION: Approved.

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.

A Building Permit must be applied for at the Building Permit Desk which is located at the Plaza del Sol Building, Ground Level on the east side of the lobby.

If you wish to appeal this decision, you may do so by 5:00 p.m., on March 21, 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 Deputy 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.



Anita Reina, Esq.
Deputy Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File
Lorraine Candelaria, 580 N. Harrison, Cortez, CO, 81321
Habitation Inc., P.O. Box 93476, 87199
Sam Candelaria, 623 Arno SE, 87102
Sam Candelaria, 625 Arno SE, 87102
Samuel Candelaria, 623 Arno SE, 87102
Shauna Brown, 615 Arno SE, #2, 87102
Resident, 619 Arno SE, 87102
Resident, 602 Arno SE, 87102
Diana Dorn-Jones, P.O. Box 26665, 87125