



AGENDA ITEM NUMBER \_\_\_\_\_

# Bernalillo County Board of County Commissioners

Meeting Date: January 27, 2009

**Department:** Zoning, Building, Planning & Env. Health      **Staff Contact:** Brennon Williams, Zoning Administrator

**TITLE:** PUBLIC HEARING: Appeal of the Board of Adjustment's determination to uphold but modify the Zoning Administrator's decision in authorizing conditional use approval for a commercial animal establishment (CO-80011/BA-80006/ZA-80079)

## BOARD OF ADJUSTMENT RECOMMENDATION:

Denial of the appeal.

## SUMMARY:

This matter was previously deferred by the Board of County Commissioners (BCC) from their October and November 2008 public hearings at the request of the appellant.

On September 3, 2008, the Board of Adjustment (BA) voted 6-0 (Commissioner Melendrez excused) to uphold but modify the Zoning Administrator's decision to grant conditional use approval for a commercial animal establishment. The subject property is located at 8 Crestview Lane, zoned A-2, and contains approximately 1.9 acres in area. The BA decision was based on six (6) Findings and 14 Conditions (Attachment 3).

The owner of the subject site has proposed to operate a commercial animal establishment to include the boarding, breeding, and maintaining of up to 11 dogs on the property. The animals are to be kept within a specified 7,000-square foot area of the lot, which will include a kennel building, attached outdoor runs, and open area for dog training and show preparation. The appellant argues that approval of the conditional use occurred without proper notice and that there has been no investigation as to whether the commercial animal establishment will be detrimental to surrounding properties.

The Comprehensive Zoning Ordinance of Bernalillo County authorizes the Board of County Commissioners to affirm, deny, change, or modify the previous decision of the BA, or in lieu thereof, make such other or additional determination as it shall deem proper [Sec. 24.B.4.f(2)].

## ATTACHMENTS:

1. Appeal application
2. BCC's Notices of Deferral (October 30, 2008, & November 27, 2008 )
3. Board of Adjustment Notice of Decision (September 5, 2008)
4. Information presented at the BA hearing
5. Transcripts of testimony from BA hearing
6. Board of Adjustment packet (September 3, 2008, hearing)

## **STAFF ANALYSIS SUMMARY:**

Zoning/Building/Planning/Environmental Health:  
Staff recommends denial of the appeal