



AGENDA ITEM NUMBER _____

Bernalillo County Board of County Commissioners

Meeting Date: June 23, 2009

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

TITLE: PUBLIC HEARING: An appeal of the Board of Adjustment's determination to uphold the Zoning Administrator's decision in approving a conditional use permit for commercial stables and a riding academy (CO-90018/BA-90004/ZA-80145)

BOARD OF ADJUSTMENT RECOMMENDATION:

Denial of the appeal.

SUMMARY:

On May 6, 2009, the Board of Adjustment (BA) voted 5-2 (Commissioners Melendrez & Sanchez opposed) to deny the appeal, thereby upholding the previous decision of the Zoning Administrator in approving a conditional use permit for commercial stables and a riding academy (BA-90004/ZA-80145). The subject property is located at 10113 Bosque Cir. NW, zoned A-1, and contains 1.98 acres. The BA decision was based on eight (8) Findings and seven (7) Conditions (Attachment 1).

The Board determined that the appellant's reasoning for the appeal – that it reportedly violated neighborhood covenants – was unrelated to the criteria for approval as outlined by the Zoning Ordinance, and the owner of the subject site had met the burden of proof necessary for the granting of the request.

The Comprehensive Zoning Ordinance of Bernalillo County authorizes the granting of a conditional use permit if it is determined that:

1. The site is adequate in size and shape to accommodate the use;
2. The site can be developed to avoid undue traffic congestion or hazards;
3. The proposed use will not have an adverse effect on the neighborhood or seriously conflict with the character of the area; and
4. Any conditions for approval are used to further protect the public health, safety, and general welfare (ref. Section 24.A.2.i.).

Additionally, the ordinance authorizes the Board of County Commissioners to affirm, deny, change or modify the ruling, decision or determination of the Board of Adjustment, or in lieu thereof, make such other or additional determination as it shall deem proper [Sec. 24.B.4.(2)].

ATTACHMENTS:

1. Appeal application
2. Board of Adjustment Notice of Decision (May 8, 2009)
3. Transcribed testimony from May 6, 2009 hearing
4. Board of Adjustment packet (May 6, 2009)

STAFF ANALYSIS SUMMARY:

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