



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

# Bernalillo County Board of County Commissioners

Meeting Date: April 22, 2008

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

**TITLE:** PUBLIC HEARING: Appeal of the Board of Adjustment's determination to uphold the Zoning Administrator's decision in approving a conditional use for a commercial animal establishment (CO-80003/BA-70005/ZA-70087)

## BOARD OF ADJUSTMENT DECISION:

Denial of the appeal.

## SUMMARY:

This matter was deferred by the Board of County Commissioners (BCC) from their January 22, 2008, and February 26, 2008, hearings to allow staff to review materials submitted by the appellant concerning their invocation of the extraordinary majority vote (20 percent ) rule, as well as accommodate the availability of agents for the appellant and property owner. It should be noted that the county has verified the information presented for the protest and has determined that the 20% rule is in effect for this request.

On December 5, 2007, the Board of Adjustment (BA) voted 4 – 1 (Commissioner Hall opposed, Commissioners Becerra & Pacias excused) to deny an appeal of the Zoning Administrator's approval of a conditional use permit for a commercial animal establishment. With some modification to the established Conditions of Approval, the BA determined that the conditional use request met the criteria for approval as outlined in the Zoning Ordinance and upheld the previous decision of the Zoning Administrator in allowing obedience and competition training for dogs and their owners from an A-1 property. The BA decision was based on seven (7) Findings and nine (9) Conditions.

The subject property is located at 1424 La Mora Ln. SW, zoned A-1, and contains approximately 1.56 acres in area. The owner of the site, an established dog trainer, has proposed to provide lessons and instruction from a 4,800-sq. ft. accessory building and rear yard of their property on an appointment-only basis. Typical class size is estimated to be no greater than 15 dogs and their owners at any one time. A large area toward the northwest side of the property is to be used to provide a minimum of 15 off-street parking spaces. Neighborhood opponents in attendance at the BA hearing cited concerns about a perceived impropriety of the subject activity in a "residential" zone, noncompliance with neighborhood covenants, and too many existing commercial operations within the general area.

The Comprehensive Zoning Ordinance of Bernalillo County authorizes approval of a conditional use request if the site for the proposed use is adequate in size and shape to accommodate the use; the site for the proposed use can be developed to avoid undue traffic congestion; and that the proposed use will not have an adverse effect on the neighborhood or seriously conflict with the character of the area. Similarly, the ordinance allows for conditions to be established in connection with approval which will help to protect public health, safety, and general welfare, as well as facilitate further adjustment of the use to the existing land-use pattern in the neighborhood (Sec. 24.A.2.i.).

## **ATTACHMENTS:**

1. Board of County Commissioners Notices of Deferral (Jan. 24, 2008, & Feb. 28, 2008)
2. Appeal application (CO-80003/BA-70005/ZA-70087)
3. Board of Adjustment Notice of Decision (December 7, 2007)
4. Supplemental materials presented by the appellant
5. Supplemental materials presented by the opposition
6. Board of Adjustment staff report (December 5, 2007, hearing)

## **STAFF ANALYSIS SUMMARY:**

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