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Chapter 12. Sidewalk Variance

INTRODUCTION

The Sidewalk Ordinance states that "all properties within the City of Albuquerque shall have sidewalk, drivepad and curb and gutter in accordance with the standards set forth by the Sidewalk Ordinance, unless a variance from these standards is allowed through the procedures established by the Sidewalk Ordinance or unless such facilities were constructed under differing standards previously in force." In addition, sidewalk design must be in accordance with the criteria presented in Chapter 23, Volume 2 of the Development Process Manual. General sidewalk design criteria promotes mobility, safety and comfort of the pedestrian and allows adequate pedestrian access to abutting property.

While the City encourages compliance with the standards and design criteria, there are certain circumstances under which a variance from the standards and design criteria is appropriate. The sidewalk variance procedure was established to provide for possible departure from normal standards under specific circumstances and to protect unique characteristics of certain neighborhoods.

Any property owner who wishes to install a sidewalk which does not conform to the standards in the Sidewalk Ordinance or the design criteria in the DPM, Chapter 23, Volume 2 must apply for a variance. The single exception is use of material other than standard material as described in Chapter 23, Volume 2. In this case only the review and signatures of the City Engineer and Traffic Engineer are required.

Variance applications are evaluated based on the following criteria set forth in the Sidewalk Ordinance:

"A. The Mayor, upon application of the owners or upon institution of an improvement district, may give a variance from any requirements of this

sidewalk requirement."

FUNDAMENTALS

1. Governing Regulations:

Sidewalk Ordinance (Article 8-6 R.O.A. 1994))

Development Process Manual, Chapter 23, Volume 2

2. Applicant:

Property owner or his authorized agent

The City upon institution of an improvement district

3. Approval Mechanisms:

Development Review Board; appeal to Environmental Planning Commission;
appeal to City Council

SIDEWALK VARIANCE PROCEDURE

Consultation with a Development Service Division staff member is recommended prior to application to ensure that there have been no changes to relevant policies and procedures and to determine scheduling deadlines for application review. Approximate time frames are shown on the flow chart.

Step 1: Application

Obtain application form at the Albuquerque Development and Building Services Center.

Submit a completed application form and seven (7) copies of a sketch of the request to the Development Services Division.

APPLICATION MATERIALS:

Completed application form

Sketch of request showing

- Location of sidewalk relative to street(s) and property line(s)
- Location and dimensions of the right-of-way
- Location of any landscaping and major topographical features

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Sidewalk Variance

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