

FORM S2: SUBDIVISION OF LAND – MINOR ACTIONS

Please refer to the DRB minor case schedule for meeting dates and deadlines unless noted differently below. Bring original Mylar of plat with property owner's and City Surveyor's signatures on it to the meeting. Your attendance is required.

A Variance – DRB for the Bulk Transfer of Land requires application on Form V in addition to this FORM S2.

>> INFORMATION REQUIRED FOR ALL MINOR SUBDIVISION APPLICATIONS

- ☒ Interpreter Needed for Hearing? yes if yes, indicate language: Spanish
- ☐ A Single PDF file of the complete application including all documents being submitted must be emailed to PLNDRS@cabq.gov prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided on a CD. PDF shall be organized with the Development Review Application and this Form S2 at the front followed by the remaining documents in the order provided on this form.
- ☒ Zone Atlas map with the entire site clearly outlined and labeled

☒ SKETCH PLAT REVIEW AND COMMENT

- ☐ Letter describing, explaining, and justifying the request
- ☐ Scale drawing of the proposed subdivision plat (7 copies, folded)
- ☐ Site sketch with measurements showing structures, parking, building setbacks, adjacent rights-of-way and street improvements, if there is any existing land use (7 copies, folded)

☐ MAJOR SUBDIVISION FINAL PLAT APPROVAL (requires published notice, heard on the DRB Major Case Schedule)

- ☐ Letter describing, explaining, and justifying the request
- ☐ Copy of recorded IIA
- ☐ Proposed Final Plat (7 copies, 24" x 36" folded)
- ☐ Design elevations & cross sections of perimeter walls (3 copies)
- ☐ Landfill disclosure and EHD signature line on the Mylar if property is within a landfill buffer
- ☐ DXF file and hard copy of final plat data for AGIS submitted and approved

☐ MINOR SUBDIVISION PRELIMINARY/FINAL PLAT APPROVAL


- ☐ Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-6(I)
- ☐ Sites 5 acres or greater: Archaeological Certificate in accordance with IDO Section 14-16-6-5(A)
- ☐ Form DRWS Drainage Report, Grading and Drainage Plan, and Water & Sewer Availability Statement submittal information
- ☐ Required notice with content per IDO Section 14-16-6-4(K)(6)
 - ☐ Office of Neighborhood Coordination Public Notice Inquiry response
 - ☐ Proof of emailed notice to applicable Neighborhood Association representatives
- ☐ Proposed Preliminary / Final Plat with property owner's and City Surveyor's signatures on the plat prior to submittal (7 copies, folded)
- ☐ Sidewalk Exhibit and/or cross sections of proposed streets (3 copies, 11" by 17" maximum)
- ☐ Site sketch with measurements showing structures, parking, building setbacks, adjacent rights-of-way and street improvements (to include sidewalk, curb & gutter with distance to property line noted) if there is any existing land use (7 copies, folded)
- ☐ Landfill disclosure statement per IDO Section 14-16-5-2(G) if site is within a designated landfill buffer zone
- ☐ Proposed Infrastructure List, if applicable
- ☐ DXF file and hard copy of final plat data for AGIS submitted and approved

☐ MINOR AMENDMENT TO PRELIMINARY PLAT OR INFRASTRUCTURE LIST

- ☐ Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-4(X)(2)
- ☐ Original Preliminary Plat, Infrastructure List, and/or Grading Plan (7 copies, folded)
- ☐ Proposed Amended Preliminary Plat, Infrastructure List, and/or Grading Plan (7 copies, folded)

Note: Any application that does not qualify as a Minor Amendment in IDO Section 14-16-6-4(X) must be processed as a Major Amendment. See Form S1.

I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting or hearing, if required, or otherwise processed until it is complete.

Signature:	Date:
Printed Name:	<input type="checkbox"/> Applicant or <input type="checkbox"/> Agent
FOR OFFICIAL USE ONLY	
Case Numbers:	Project Number
Staff Signature:	
Date:	



Please check the appropriate box(es) and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application.

SUBDIVISIONS		<input type="checkbox"/> Final Sign off of EPC Site Plan(s) (Form P2)
<input type="checkbox"/> Major - Preliminary Plat (Form P1)	<input type="checkbox"/> Amendment to Site Plan (Form P2)	<input type="checkbox"/> Vacation of Public Right-of-way (Form V)
<input type="checkbox"/> Minor - Preliminary/Final Plat (Form S2)	MISCELLANEOUS APPLICATIONS	
<input type="checkbox"/> Major - Final Plat (Form S1)	<input type="checkbox"/> Extension of Infrastructure List or IIA (Form S1)	<input type="checkbox"/> Vacation of Public Easement(s) DRB (Form V)
<input type="checkbox"/> Amendment to Preliminary Plat (Form S2)	<input type="checkbox"/> Minor Amendment to Infrastructure List (Form S2)	<input type="checkbox"/> Vacation of Private Easement(s) (Form V)
<input type="checkbox"/> Extension of Preliminary Plat (Form S1)	<input type="checkbox"/> Temporary Deferral of S/W (Form V2)	PRE-APPLICATIONS
	<input type="checkbox"/> Sidewalk Waiver (Form V2)	<input type="checkbox"/> Sketch Plat Review and Comment (Form S2)
SITE PLANS	<input type="checkbox"/> Waiver to IDO (Form V2)	APPEAL
<input type="checkbox"/> DRB Site Plan (Form P2)	<input type="checkbox"/> Waiver to DPM (Form V2)	<input type="checkbox"/> Decision of DRB (Form A)
BRIEF DESCRIPTION OF REQUEST		
Lot line adjustment		

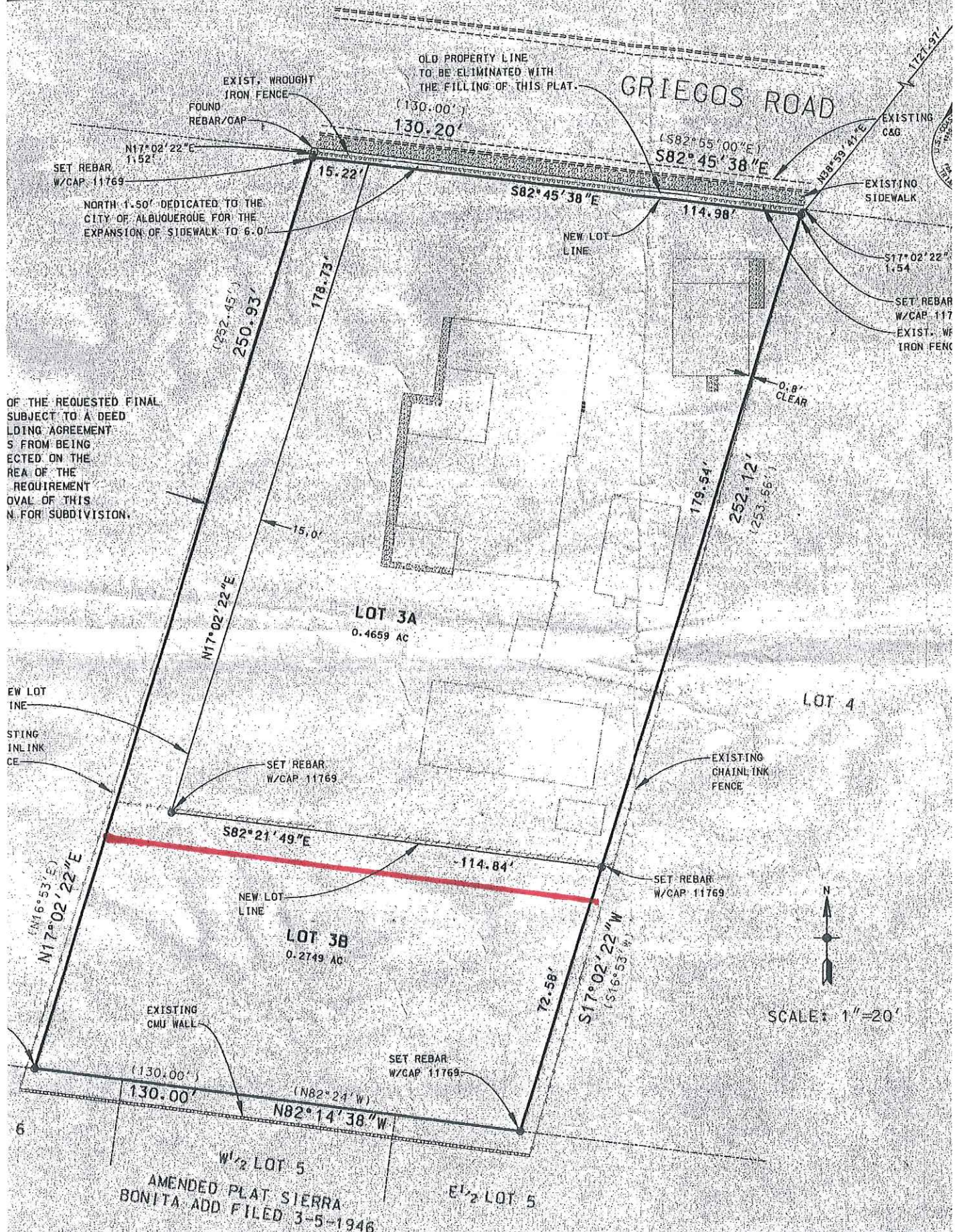
APPLICATION INFORMATION		
Applicant: CARLOS AND ROSA E. MATA		Phone: (505) 385 8923
Address: 1426 GRIEGOS RD N.W.		Email:
City: ALBUQUERQUE	State: New Mex.	Zip: 87107
Professional/Agent (if any):		Phone:
Address:		Email:
City:	State:	Zip:
Proprietary Interest in Site:		List all owners:
SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)		
Lot or Tract No.: 3A	Block:	Unit:
Subdivision/Addition: Garden Acres	MRGCD Map No.:	UPC Code:
Zone Atlas Page(s): F-14	Existing Zoning: R-1C	Proposed Zoning:
# of Existing Lots: 2	# of Proposed Lots: 2	Total Area of Site (Acres):
LOCATION OF PROPERTY BY STREETS		
Site Address/Street: Griegos Rd.	Between: Rio Grande	and: 12th Street
CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)		
PR-2019-002937		

Signature: Carlos mata Carmata		Date: 2-26-2020			
Printed Name: CARLOS MATA AND ROSA E. MATA		<input checked="" type="checkbox"/> Applicant or <input type="checkbox"/> Agent			
FOR OFFICIAL USE ONLY					
Case Numbers	Action	Fees	Case Numbers	Action	Fees
Meeting Date:			Fee Total:		
Staff Signature:			Date:		
			Project #		

7. The request is for variance from Section 14-16-5-1(C)(2)(b)2: ***Development Standards; Dimensional Standards; Residential Zone Districts; Lot Size.***, which states: "New low-density residential development shall not be constructed on a Tax Assessor's lot, or combination of abutting Tax Assessor's lots, that is greater than 125 per cent of the average of the size of the Tax Assessor's lots, or combination of adjacent Tax Assessor's lots, that contain a primary building on that lot."
8. All property owners within 100 feet of the subject property and the affected neighborhood association were notified.
9. North Valley Coalition of Neighborhood Associations is the affected neighborhood association.
10. The affected neighborhood association was notified by e-mail, dated September 16, 2019.
11. No response nor request for meeting has been submitted.
12. Applicant is requesting a variance of 0.18 acres to the lot size contextual standards maximum 0.18 acres to allow combining of 2 lots into 1 lot, resulting in a new lot size of 0.7408 acres.
13. The requested is to combine lost 3A and 3B.
14. The contextual standards maximum for an R-1C zone in this area 0.5608.
15. Applicant had previously divided the lots in 2008 and now wished to recombine them again.
16. The smaller lot is 8 feet wide.
17. He needs to combine in order to have access to the fruit trees and storage area in the back of the larger lot.
18. A survey, site plan and accompanying photographs were submitted in support of the Application.
19. This special circumstance of the property creates an extraordinary hardship in the form of substantial and unjustified limitation of the reasonable use of the Lots and creates difficulties resulting from strict compliance with the maximum lot size in the R-1C zone imposed by the IDO.
20. The adoption of the IDO created a unique and special circumstance upon the Lots, and creates an extraordinary hardship in the form of substantial and unjustified limitation of the reasonable use of the Lots.
21. There are special circumstances applicable to the Subject Property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid, as required by Section 14-16-6-6(N)(3)(a)(1).
22. The Applicant has always intended to construct a single-family residence on the Lots and the Application will not alter his commitment to construct a single-family residence on the combined lots.
23. The variance will not be contrary to the public safety, health and welfare of the community as required by Section 14-16-6-6(N)(3)(a)(2).
24. Applicant will construct a single-family residence on the Lots as combined or the same results if the Lots are not combined, and therefore the variance will not cause significant adverse material impacts on surrounding properties or infrastructure improvements in the vicinity as required by Section 14-16-6-6(N)(3)(a)(3).
25. The ZHE variance criteria allows for relief from the strict interpretation of the zoning regulations if the criteria are met.

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

Carlos Mata requests a variance of .18 acres to allow a lot larger than the allowable contextual standards for Lot 3A, Garden Acres, located at 1426 Griegos RD NW, zoned R-1C [Section 14-16-5-1(c)(2)(b)]

Special Exception No: VA-2019-00335
Project No: Project#2019-002937
Hearing Date: 11-19-19
Closing of Public Record: 11-19-19
Date of Decision: 12-04-19

On the 19th day of November, 2019, property owner Carlos Mata ("Applicant") appeared before the Zoning Hearing Examiner ("ZHE") requesting a variance of .18 acres to allow a lot larger than the allowable contextual standards ("Application") upon the real property located at 1426 Griegos RD NW ("Subject Property"). Below are the ZHE's findings of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 0.18 acres to allow a lot larger than the allowable contextual standards in an R-1C zone district.
2. The City of Albuquerque Integrated Development Ordinance, Section 14-16-6-6(N)(3)(a) (Variance-Review and Decision Criteria) reads: "... an application for a Variance-ZHE shall be approved if it meets all of the following criteria:
 - (1) *There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.*
 - (2) *The Variance will not be materially contrary to the public safety, health, or welfare.*
 - (3) *The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.*
 - (4) *The Variance will not materially undermine the intent and purpose of the IDO or the applicable zone district.*
 - (5) *The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties."*
3. The Applicant bears the burden of ensuring there is evidence in the record supporting a finding that the above criteria are met under Section 14-16-6-4(N)(1).
4. Carlos Mata, property owner appeared and gave evidence in support of the application.
5. The address of the subject property is 1426 Griegos Rd. NW.
6. The subject property is currently zoned R-1C.

26. The special circumstance of the subject property (the Ditch) creates a substantial hardship on the Lots and meets the intent of the R-A zoned lot maximum lot size regulations.
27. The variance will not materially undermine the intent and purpose of the IDO or applicable zone district as required by Section 14-16-6-6(N)(3)(a)(4).
28. The variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties as required by Section 14-16-6-6(N)(3)(a)(5).
29. The proper "Notice of Hearing" signage was posted for the required time period as required by Section 14-16-6-4(K)(3).
30. The Applicant has authority to pursue this Application.

CONCLUSIONS OF LAW:

The criteria within Section 14-16-6-6(N)(3)(a) of the Albuquerque Zoning Code are satisfied.

DECISION:

APPROVAL of a variance of 0.18 acres to allow a lot larger than the allowable contextual standards.

APPEAL:

If you wish to appeal this decision, you must do so by December 19, 2019 pursuant to Section 14-16-6-4(U), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

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.



Stan Harada, Esq.
Zoning Hearing Examiner

cc:

ZHE File
Zoning Enforcement
Carlos Mata, 1426 Griegos RD NW, 87107

A QUIE CORRESPONDA 9-30-2019

LA RAZÓN POR LA QUE QUIERO MOVER
LA LÍNEA ES, PORQUE CUANDO SUBDIVIDIERON
MIDIERON 8 FT. DE MAS Y AHORITA QUE NO
HAY CERCO ES MAS FACIL, Y PARA TENER
ACCESO YO POR ATRAS A UN STORAGE
QUE TENGO, PORQUE ESE LOTE SE LO VOY
A PASAR A UN HIJO MIO, Y ANTES DE HACER
EL TÍTULO DEL LOTE, QUE TODO QUEDE
CORRECTO, POR SI DESPUES EL LO VENDE
Y CAMBIA DE DUEÑO, NO HAYA PROBLEMAS.

ATTE. Carlos Mata 