



Effective 12/15/2022

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

MISCELLANEOUS APPLICATIONS		<input type="checkbox"/> Extension of Infrastructure List or IIA (Form S3)
<input type="checkbox"/> Site Plan Administrative DFT (Forms P & P2)	PRE-APPLICATIONS	
<input type="checkbox"/> Final EPC Sign-off for Master Development/Site Plans - EPC (Form P2)	<input checked="" type="checkbox"/> Sketch Plat Review and Comment (Form S3)	
<input type="checkbox"/> Amendment to Infrastructure List (Form S3)	<input type="checkbox"/> Sketch Plan Review and Comment (Form S3)	
<input type="checkbox"/> Temporary Deferral of SW (Form S3)	APPEAL	
<input type="checkbox"/> Extension of IIA: Temp. Def. of SW (Form S3)	<input type="checkbox"/> Administrative Decision (Form A)	

BRIEF DESCRIPTION OF REQUEST

Create four lots from two existing lots and grant private and public easements as shown.

APPLICATION INFORMATION

Applicant/Owner: Joseph and Laurie Grady		Phone: (505) 362-8903
Address: P.O. Box 30801		Email: jag@jagpandz.com
City: Albuquerque	State: NM	Zip: 87190
Professional/Agent (if any): Juanita Garcia - JAG Planning & Zoning, LLC		Phone: (505) 362-8903
Address: P.O. Box 7857		Email: jag@jagpandz.com
City: Albuquerque	State: NM	Zip: 87194
Proprietary Interest in Site: Owner	List <u>all</u> owners: Joseph and Laurie Grady	

SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)

Lot or Tract No.: Tract 107-A-2-A & Tract 107-A-1-A-1	Block:	Unit:
Subdivision/Addition:	MRGCD Map No.: 31	UPC Code: 101306109922230743
Zone Atlas Page(s): F-13	Existing Zoning: R-A	Proposed Zoning No Change
# of Existing Lots: 2	# of Proposed Lots: 3	Total Area of Site (Acres): 1.2324

LOCATION OF PROPERTY BY STREETS

Site Address/Street: 3815 Pedroncelli NW	Between: Rio Grande Blvd	and: Elfego RD
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CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)

PR-2021-004967, PS-2021-00152 & VA-2023-00376

I certify that the information I have included here and sent in the required notice was complete, true, and accurate to the extent of my knowledge.

Signature: <i>Juanita Garcia</i>	Date: 4/22/2024
Printed Name: Juanita Garcia - JAG Planning & Zoning, LLC	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent

FORM S3: ADMINISTRATIVE APPLICATIONS – Development Facilitation Team (DFT) as of 12/25/2022 **AMENDMENT TO INFRASTRUCTURE LIST**

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 to City Staff using other online resources such as Dropbox or FTP. The PDF shall be organized in the number order below.

- ___ 1) DFT Application form completed, signed, and dated
- ___ 2) Form S3 with all the submittal items checked/marked
- ___ 3) Zone Atlas map with the entire site clearly outlined and labeled
- ___ 4) Letter of authorization from the property owner if application is submitted by an agent
- ___ 5) Proposed Amended Infrastructure List
- ___ 6) Original Infrastructure List

 TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION

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 to City Staff using other online resources such as Dropbox or FTP. The PDF shall be organized in the number order below.

- ___ 1) DFT Application form completed, signed, and dated
- ___ 2) Form S3 with all the submittal items checked/marked
- ___ 3) Zone Atlas map with the entire site clearly outlined and labeled
- ___ 4) Letter of authorization from the property owner if application is submitted by an agent
- ___ 5) A scale drawing showing the location of the deferred sidewalk with appropriate dimensions

 EXTENSION OF THE IIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION

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 to City Staff using other online resources such as Dropbox or FTP. The PDF shall be organized in the number order below.

- ___ 1) DFT Application form completed, signed, and dated
- ___ 2) Form S3 with all the submittal items checked/marked
- ___ 3) Zone Atlas map with the entire site clearly outlined and labeled

- ___ 4) Letter of authorization from the property owner if application is submitted by an agent
- ___ 5) Letter describing, explaining, and justifying the deferral or extension
- ___ 6) Drawing showing the sidewalks subject to the proposed deferral or extension

INFRASTRUCTURE LIST EXTENSION OR AN INFRASTRUCTURE IMPROVEMENTS AGREEMENT (IIA) EXTENSION

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 to City Staff using other online resources such as Dropbox or FTP. The PDF shall be organized in the number order below.

- ___ 1) DFT Application form completed, signed, and dated
- ___ 2) Form S3 with all the submittal items checked/marked
- ___ 3) Zone Atlas map with the entire site clearly outlined and labeled
- ___ 4) Letter of authorization from the property owner if application is submitted by an agent
- ___ 5) Letter describing, explaining, and justifying the request per IDO Section 14-16-6-4(X)(4)
- ___ 6) Preliminary Plat or Site Plan
- ___ 7) Copy of DRB approved Infrastructure List
- ___ 8) Copy of recorded IIA

SKETCH PLAT OR SKETCH PLAN REVIEW AND COMMENT

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 to City Staff using other online resources such as Dropbox or FTP. The PDF shall be organized in the number order below.

- ✓ ___ 1) DFT Application form completed, signed, and dated
- ✓ ___ 2) Form S3 with all the submittal items checked/marked
- ✓ ___ 3) Zone Atlas map with the entire site clearly outlined and labeled
- ✓ ___ 5) Letter describing, explaining, and justifying the request
- ✓ ___ 6) Scale drawing of the proposed subdivision plat or Site Plan
- ✓ ___ 7) Site sketch with measurements showing structures, parking, building setbacks, adjacent rights-of-way, and street improvements, if there is any existing land use

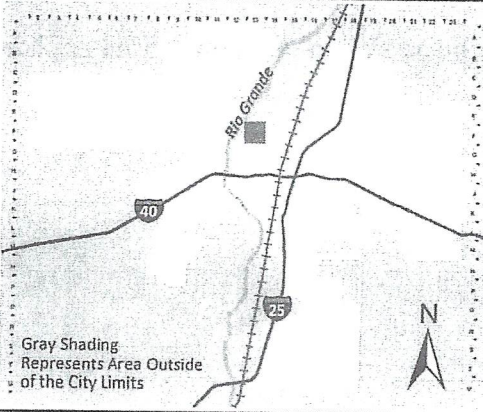


For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

IDO Zone Atlas May 2018

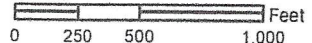


IDO Zoning information as of May 17, 2018
The Zone Districts and Overlay Zones
are established by the
Integrated Development Ordinance (IDO).



Zone Atlas Page:
F-13-Z

- Easement
- Escarpment
- Petroglyph National Monument
- Areas Outside of City Limits
- Airport Protection Overlay (APO) Zone
- Character Protection Overlay (CPO) Zone
- Historic Protection Overlay (HPO) Zone
- View Protection Overlay (VPO) Zone





April 22, 2024

Development Facilitation Team
City of Albuquerque, Planning Department
600 2nd Street NW, Albuquerque NM 87102

Development Facilitation Team:

JAG Planning & Zoning, agent for Joe and Laurie Grady, respectfully requests your review of a proposed Sketch Plat Application for the location of 3815 Pedroncelli NW, legally described as **Tract 107-A-2-A & Tract 107-A-1-A-1, MRGCD Map 31**, containing approximately 1.2324 acres. The site is not within an Overlay Zone, as identified within the Integrated Development Ordinance (IDO).

The applicant intends to create three lots from two existing lots and grant private and public easements as shown on the plat. The proposed legal descriptions for the three lots will be **Lots 1, 2, 3, and 4, Lands of Joe Grady**.

This plat was considered by the Development Review Board at a previous meeting and pertinent information related to the previous request have been included for additional comments and for clarification.

Thank you for your consideration on this matter. I can be reached at (505) 362-8903 or at jag@jagpandz.com.

Sincerely,

A handwritten signature in black ink that reads "Juanita Garcia". The signature is fluid and cursive, with the first name being more prominent.

Juanita Garcia
Principal

JAG Planning and Zoning, LLC

SKETCH PLAT OF LOTS 1, 2, 3 AND 4 LANDS OF JOE GRADY

(REPLAT OF TRACTS 107A1A1 & 107A2A, MRGCD PROPERTY MAP 31)
ELENA GALLEGOS GRANT, PROJECTED SECTION 31, T11N, R3E, N.M.P.M.,
ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO

MARCH 2024

APPROVED AND ACCEPTED BY:

PR-2021-004987
CASE NO.

DRB CHAIRPERSON, PLANNING DEPARTMENT	DATE
CITY ENGINEER	DATE
PARKS AND RECREATION DEPARTMENT	DATE
ALBUQUERQUE/BERNALILLO COUNTY WATER UTILITY AUTHORITY	DATE
TRAFFIC ENGINEER, TRANSPORTATION DIVISION	DATE
A.M.A.F.C.A.	DATE
CODE ENFORCEMENT	DATE
CITY SURVEYOR	DATE
M.R.G.C.D.	DATE

UTILITY APPROVALS:

PNM	DATE
NM GAS COMPANY	DATE
CENTURYLINK	DATE
COMCAST	DATE

MIDDLE RIO GRANDE CONSERVANCY DISTRICT APPROVAL

APPROVED ON THE CONDITION THAT ALL RIGHTS OF THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT ARE RESERVED TO SAID DISTRICT AND THAT IF PROVISION FOR IRRIGATION SOURCES AND EASEMENTS ARE NOT PROVIDED FOR BY THE SUBDIVIDER FOR THE SUBDIVISION, ADDITION OR PLAT, SAID DISTRICT IS ABSOLVED OF ALL OBLIGATIONS TO FURNISH IRRIGATION WATERS AND SERVICES TO ANY PORTIONS THEREOF, OTHER THAN FROM EXISTING TURNOUTS.

SURVEYOR'S CERTIFICATION

I, VLADIMIR JIRIK, A DULY QUALIFIED PROFESSIONAL SURVEYOR REGISTERED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, SHOWS ALL EASEMENTS MADE KNOWN TO ME BY THE OWNERS, UTILITY COMPANIES OR OTHER PARTIES EXPRESSING AN INTEREST AND THAT THE SURVEY WAS MADE IN ACCORDANCE WITH THE PROFESSIONAL STANDARDS FOR LAND SURVEY IN NEW MEXICO, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



Vladimir Jirik
VLADIMIR JIRIK, N.M.P.S. NO. 10464
PROFESSIONAL SURVEYING LLC
P.O. BOX 94555, ALBUQUERQUE, NM 87199
office: 505.962.4597, cell: 505.620.4228
professional.surveying@comcast.net

LEGAL DESCRIPTION

A tract of land in Elena Gallegos Grant, projected Section 31, Township 11 North, Range 3 East of the N.M.P.M., in Bernalillo County, New Mexico, being Tracts 107-A-2A and 107-A-1-A-1, as shown on the Middle Rio Grande Conservancy District (MRGCD) Property Map No. 31, and being described as follows:

Beginning at the Northwest corner of the hereinafter described parcel, being the northeast corner of said Tract 107A1A1, the southeast corner of said Tract 107A1B1, the westerly line of Pedroncelli Road N.M., from which the contour point 14, F133 bears N 37°48'54" E, a distance of 1,684.59 feet; thence,

S 01°05'08" E, 70.55 feet distance to the southeast corner of the parcel of land herein described being the southeast corner of said Tract 107A1A1, and the northeast corner of Tract 107A1B1, MRGCD Property Map No. 31; thence,
N 87°33'38" E, 42.20 feet distance to a point; thence,
N 87°33'38" E, 154.61 feet distance to a point; thence,
N 15°48'23" E, 3.82 feet distance to the southwest corner of said Tract 107A1A1, and a point on the easterly line of Tract 108A4, MRGCD Property Map No. 11; thence,
E 142.98 feet distance to the northeast corner of the parcel of land herein described being the northwest corner of said Tract 107A1A1, the northeast corner of said Tract 106A4, MRGCD Property Map No. 31, and a point on the southerly line of Lot 13-P1, Rio Del Norte subdivision (plat filed 2/25/1994 in Volume 94C, Folio 62); thence,
S 87°33'38" E, 312.25 feet distance to a point being the northeast corner of said Tract 107A2A, the northwest corner of Tract 107A2B, MRGCD Property Map No. 31, and a point of the southerly line of Lot 16-P1, Rio Del Norte subdivision; thence,
S 2°19'18" W, 71.09 feet distance to a point being the southwest corner of said Tract 107A1A2, MRGCD Property Map No. 31; thence,
S 40°29'31" E, 7.87 feet distance to a point; thence,
S 87°33'31" E, 62.60 feet distance to a point; thence,
S 70°13'33" E, 42.20 feet distance to the northeast corner and point of beginning of the parcel of land herein described.

Said parcel contains 53,664 square feet, 1.2324 acres.

PURPOSE OF THE PLAT

THE PURPOSE OF THIS PLAT IS TO RECONFIGURE TWO EXISTING TRACTS INTO FOUR LOTS BETTER SUITABLE FOR DEVELOPMENT, AND TO GRANT PRIVATE ACCESS, PRIVATE AND PUBLIC UTILITY EASEMENTS AS SHOWN.

SOLAR NOTE

THE PROPERTY WITHIN THE AREA OF THIS PLAT SHALL AT ANY TIME BE SUBJECT TO DEED RESTRICTION, COVENANT, OR BINDING AGREEMENT PROHIBITING THE INSTALLATION OF SOLAR ENERGY SYSTEMS ON ANY OF THE LOTS OR PARCELS WITHIN THE AREA OF THIS PLAT. THE FOREGOING REQUIREMENT SHALL BE A CONDITION TO APPROVAL OF THIS PLAT.

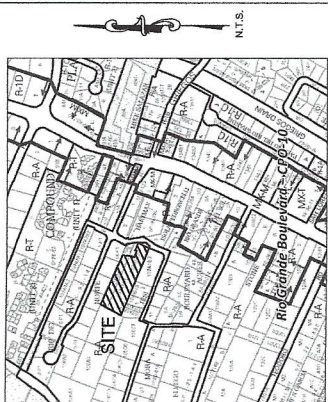
NOTES

- BEARINGS ARE GRID BASED ON NEW MEXICO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83 DATUM, AND ARE BASED ON GPS OBSERVATIONS. BEARINGS AND DISTANCES SHOWN IN PARENTHESES ARE RECORD DATA WHICH DO NOT DIFFER FROM FIELD MEASUREMENTS.
- PROPERTY CORNERS NOT SHOWN AS FOUND WILL BE SET WITH 1/2" REBAR AND CAP MARKED "NMP5 10464" OR "MAG" NAIL, AND DISK MARKED "NMP5 10464" ON LINE OR LINE EXTENSION.
- NO EXISTING EASEMENTS WERE LISTED IN THE TITLE COMMITMENT NO. 941166 DATED 9/24/2020 BY STEWART TITLE GUARANTEE COMPANY.
- THE SUBJECT PROPERTY IS LOCATED WITHIN ZONE "X" (OTHER FLOOD AREAS, AREA WITH REDUCED FLOOD RISK DUE TO LEVEES) AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP NO. 3607010166 DATED 9/26/2008.
- MAINTENANCE OF THE PRIVATE ACCESS EASEMENT, EMERGENCY TURN-AROUND EASEMENT AND PRIVATE UTILITY LINES WITHIN THIS EASEMENT IS THE RESPONSIBILITY OF THE BENEFICIARIES OF THE EASEMENT, OWNERS OF LOTS 2-4.
- BLANKET CROSS DRAINAGE EASEMENT IS GRANTED BY THIS PLAT TO ALLOW FLOW OF STORM WATER ACROSS PROPERTY LINES CREATED BY THIS PLAT.

TREASURER'S CERTIFICATION

THIS IS TO CERTIFY THAT TAXES ARE CURRENT AND PAID ON LUPC #419105910899290719 TRACTS 107A1A1 & 107A2A, M.R.G.C.D. PROPERTY MAP NO. 31, ELENA GALLEGOS GRANT PROPERTY OWNERS OF RECORD: JOE GRADY

BERNALILLO COUNTY TREASURER'S OFFICE:



LOCATION MAP

ZONE ATLAS MAP NO. F-13-Z

SUBDIVISION DATA

- PLAT NO. 94987
- ZONE ATLAS INDEX NO. F-13
- GRGSS SUBDIVISION ACREAGE, 1.2324 ACRE
- TOTAL NUMBER OF EXISTING TRACTS, 2
- TOTAL NUMBER OF PROPOSED LOTS, 4
- DATE OF SURVEY: OCTOBER 2023

PUBLIC UTILITY EASEMENTS

PUBLIC UTILITY EASEMENTS shown on this plat are granted for the common and joint use of:

- Public Service Company of New Mexico, ("PNM"), a New Mexico corporation, (PNM Electric) for installation, maintenance, and service of overhead and underground electrical lines, transformers, and other equipment and related facilities reasonably necessary to provide electrical services.
 - New Mexico Gas Company, for installation, maintenance, and service of natural gas lines, valves and other equipment and facilities reasonably necessary to provide natural gas services.
 - Century Link for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to provide communication services.
 - Comcast for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to provide Cable services.
- Included is the right to build, rebuild, construct, reconstruct, locate, relocate within the easement, change, remove, replace, modify, renew, operate and maintain facilities for purposes described above, over and under the easement, to, from, and over said easements, with the right and privilege of going upon, crossing, and using the easement, and to install, maintain, and use the easement for utility working area space for electric transformers, with the right and privilege to trim and remove trees, shrubs or bushes which interfere with the purposes set forth herein. No building, sign, pool (aboveground or subsurface), hot tub, concrete or wood post decking, or other structure shall be constructed or placed on the easement. The easement shall be subject to the rules and regulations of the construction of pools, decking, or any structures adjacent to or near easements shown on this plat.
- Easements for electric transformers/switchgear, as installed, shall extend ten (10) feet in front of transformer/switchgear doors and five (5) feet on each side.

DISCLAIMER

In approving this plat, Public Service Company of New Mexico (PNM), New Mexico Gas Company (MIGCO), and Quest Corporation (Quest CenturyLink (QUEST) did not conduct a survey of the property and do not warrant the accuracy of the plat and do not intend to do so. We do not waive or release any easement or easement rights which may have been granted by prior plat, replat or other document and which are not shown on this plat.

FREE CONSENT

THE SUBDIVISION SHOWN HEREON IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS. SAID OWNERS GRANT EASEMENTS SHOWN FOR THE PURPOSES OF THIS PLAT TO THE PUBLIC SERVICE COMPANY OF NEW MEXICO, NEW MEXICO GAS COMPANY, CENTURYLINK AND COMCAST. THE UNDERSIGNED OWNERS HEREBY CONSENT TO ALL OF THE FOREGOING AND DO HEREBY CERTIFY THAT THIS PLAT IS THEIR FREE ACT AND DEED.

JOE GRADY _____ DATE _____

ACKNOWLEDGEMENT

COUNTY OF _____

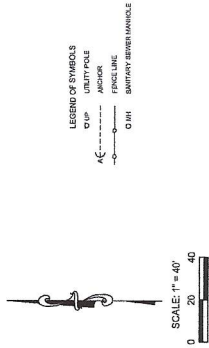
STATE OF _____

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____

BY _____

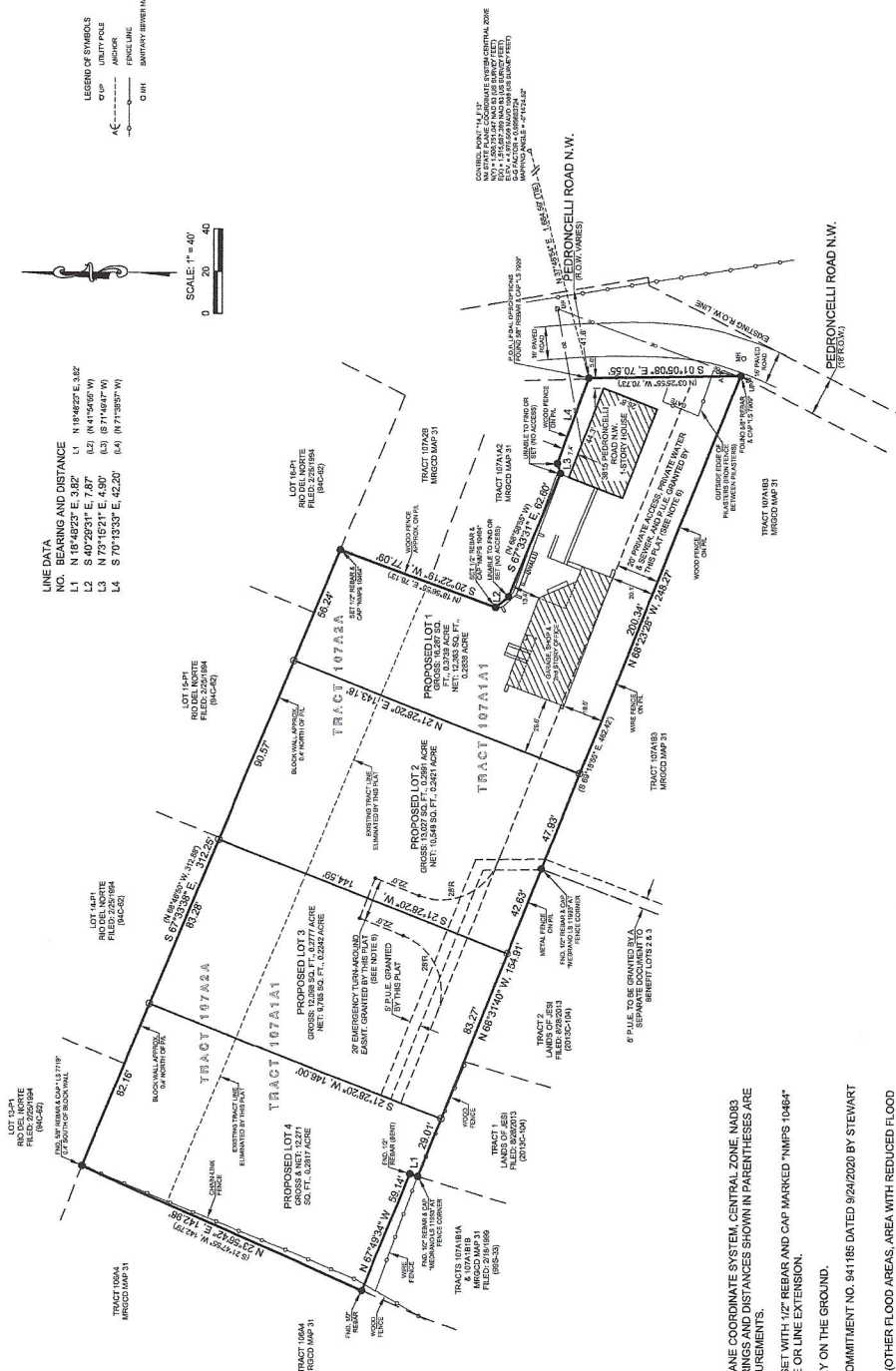
SKETCH PLAT OF LOTS 1, 2, 3 AND 4 LANDS OF JOE GRADY

(REPLAT OF TRACTS 107A1A1 & 107A2A, MRGD PROPERTY MAP 31)
ELENA GALLEGOS GRANT, PROJECTED SECTION 31, T11N, R3E, N.M.P.M.
ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO
MARCH 2024



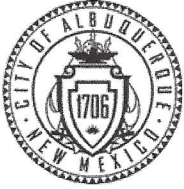
LINE DATA

NO.	BEARING AND DISTANCE
L1	N 10°45'27" E, 3.32'
L2	N 4°15'00" W, 1.00'
L3	N 75°15'21" E, 4.90'
L4	S 70°13'33" E, 42.20'



NOTES

- BEARINGS ARE GRID BASED ON NEW MEXICO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD83 DATUM, AND ARE BASED ON GRIS OBSERVATIONS. BEARINGS AND DISTANCES SHOWN IN PARENTHESES ARE RECORD DATA WHERE THEY DIFFER FROM FIELD MEASUREMENTS.
- PROPERTY CORNERS NOT SHOWN AS FOUND WILL BE SET WITH 1/2" REBAR AND CAP MARKED "NMP5 10464" OR "MAG" NAIL & ID DISK MARKED "NMP5 10464" ON LINE OR LINE EXTENSION.
- THE DATA SHOWN HEREON IS FROM AN ACTUAL SURVEY ON THE GROUND.
- NO EXISTING EASEMENTS WERE LISTED IN THE TITLE COMMITMENT NO. 841188 DATED 9/24/2020 BY STEWART TITLE GUARANTY COMPANY.
- THE SUBJECT PROPERTY IS LOCATED WITHIN ZONE XX (OTHER FLOOD AREAS, AREA WITH REDUCED FLOOD RISK DUE TO LEVEE) AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP NO. 36007C0180 DATED 9/26/2008.
- MAINTENANCE OF THE PRIVATE ACCESS EASEMENT, EMERGENCY TURNAROUND EASEMENT AND PRIVATE UTILITY LINES WITHIN THIS EASEMENT IS THE RESPONSIBILITY OF THE BENEFICIARIES OF THE EASEMENT, OWNERS OF LOTS 2-4.
- BLANKET CROSS DRAINAGE EASEMENT IS GRANTED BY THIS PLAT TO ALLOW FLOW OF STORM WATER ACROSS PROPERTY LINES CREATED BY THIS PLAT.



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

Joseph Grady and Lauri Grady request a variance of 15 ft to the required 20 front yard setback for Lot 107A1A1, MRGCD Map 31, located at 3815 Pedroncelli RD NW, zoned R-A [Section 14-16-5-1(C)(1)]

Special Exception No: **VA-2023-00376**
.....
Project No: **Project#2023-009712**
.....
Hearing Date: 02-20-2024
.....
Closing of Public Record: 02-20-2024
.....
Date of Decision: 03-06-2024
.....

On the 20th day of February 2024, Joseph Grady and Lauri Grady (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting variance of 15 ft to the required 20 front yard setback (“Application”) upon the real property located at 3815 Pedroncelli RD NW (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 15 ft to the required 20 ft. front yard setback.
2. The ZHE finds that the Applicant has authority to pursue this Application.
3. All property owners within 100 feet and affected neighborhood association(s) were notified.
4. The ZHE finds that the proper “Notice of Hearing” signage was posted for the required time period as required by Section 14-16-6-4(K)(3).
5. The City of Albuquerque Integrated Development Ordinance (“IDO”), Section 14-16-6-6(O)(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 a single lot 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, physical characteristics, natural forces or government actions for which no compensation was paid. Such special circumstances of the lot either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or economic 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.”

6. Applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO Section 14-16-6-4(E)(3).
7. The applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO Section 14-16-6-4(E)(4).
8. The subject property is currently zoned R-A.
9. Based on evidence submitted by Applicant, it appears that 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). Applicant submitted evidence that Subject Property is located in an area of historic platting resulting in several nonconformities in the vicinity, which make reasonable development of the Subject Property impracticable without the requested variance.
10. Based on evidence submitted by or on behalf of Applicant, 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). Specifically, Applicant testified that the variance would reduce traffic because there will be less lots in the development, therefore reducing the number of vehicles traveling to Subject Property. Evidence was submitted supporting that, if granted approval, the Applicant intends to construct the proposed project in a manner that is consistent with the IDO and the Development Process Manual (DPM).
11. Based on evidence submitted by or on behalf of Applicant, 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). The proposal is designed to be in harmony and consistency with prior approvals, what currently exists in the neighborhood, rights of way and infrastructure.
12. Based on evidence submitted by or on behalf of Applicant, 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). Applicant testified that the variance would be consistent with the character of the North Valley and renovating the existing house would “*add to the North Valley and the neighborhood*”.
13. Based on evidence submitted by or on behalf of Applicant, the variance approved meets the minimum necessary to avoid extraordinary hardship or practical difficulties as required by Section 14-16-6-6(N)(3)(a)(5). Evidence supports that any smaller variance would not be practicable..
14. The City Traffic Engineer submitted a report stating no objection to the Application.

DECISION:

APPROVAL of a variance of 15 ft to the required 20 ft. front yard setback.

APPEAL:

If you wish to appeal this decision, you must do so by March 21, 2024 pursuant to Section 14-16-6-4(V), of the IDO, 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.

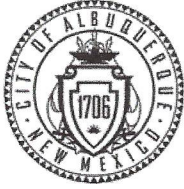


Robert Lucero, Esq.

Zoning Hearing Examiner

cc:

ZHE File
Zoning Enforcement



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

Joseph Grady and Lauri Grady request a variance of 6 ft. to the required 10 ft. side yard for Lot 107A1A1, MRGCD Map 31, located at 3815 Pedroncelli RD NW, zoned R-A [Section 14-16-5-1(C)(1)]

Special Exception No: **VA-2023-00377**
.....
Project No: **Project#2023-009712**
.....
Hearing Date: 02-20-2024
.....
Closing of Public Record: 02-20-2024
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Date of Decision: 03-06-2024
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On the 20th day of February 2024, Joseph Grady and Lauri Grady (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting variance of 6 ft to the required 10 ft side yard setback (“Application”) upon the real property located at 3815 Pedroncelli RD NW (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 6 ft to the required 10 ft. side yard setback.
2. The ZHE finds that the Applicant has authority to pursue this Application.
3. All property owners within 100 feet and affected neighborhood association(s) were notified.
4. The ZHE finds that the proper “Notice of Hearing” signage was posted for the required time period as required by Section 14-16-6-4(K)(3).
5. The City of Albuquerque Integrated Development Ordinance (“IDO”), Section 14-16-6-6(O)(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 a single lot 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, physical characteristics, natural forces or government actions for which no compensation was paid. Such special circumstances of the lot either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or economic 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.”

6. Applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO Section 14-16-6-4(E)(3).
7. The applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO Section 14-16-6-4(E)(4).
8. The subject property is currently zoned R-A.
9. Based on evidence submitted by Applicant, it appears that 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). Applicant submitted evidence that Subject Property is located in an area of historic platting resulting in several nonconformities in the vicinity, which make reasonable development of the Subject Property impracticable without the requested variance.
10. Based on evidence submitted by or on behalf of Applicant, 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). Specifically, Applicant testified that the variance would reduce traffic because there will be less lots in the development, therefore reducing the number of vehicles traveling to Subject Property. Evidence was submitted supporting that, if granted approval, the Applicant intends to construct the proposed project in a manner that is consistent with the IDO and the Development Process Manual (DPM).
11. Based on evidence submitted by or on behalf of Applicant, 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). The proposal is designed to be in harmony and consistency with prior approvals, what currently exists in the neighborhood, rights of way and infrastructure.
12. Based on evidence submitted by or on behalf of Applicant, 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). Applicant testified that the variance would be consistent with the character of the North Valley and renovating the existing house would “*add to the North Valley and the neighborhood*”.
13. Based on evidence submitted by or on behalf of Applicant, the variance approved meets the minimum necessary to avoid extraordinary hardship or practical difficulties as required by Section 14-16-6-6(N)(3)(a)(5). Evidence supports that any smaller variance would not be practicable..
14. The City Traffic Engineer submitted a report stating no objection to the Application.

DECISION:

APPROVAL of a variance of 6 ft. to the required 10 ft. side yard setback.

APPEAL:

If you wish to appeal this decision, you must do so by March 21, 2024 pursuant to Section 14-16-6-4(V), of the IDO, 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.



Robert Lucero, Esq.

Zoning Hearing Examiner

cc:

ZHE File
Zoning Enforcement