



# DEVIATION APPLICATION

**\*\*DEVIATIONS NOT ALLOWED IN OVERLAY ZONES\*\***

APPLICATION INFORMATION			
Date: 04/20/2022		Received By:	
Address of request: 2217 Matthew Avenue NW			
City/State/Zip: Albuquerque, NM 87104			
PROPERTY OWNER INFORMATION			
Property Owner Name: Steven R. Chamberlin and Susan Chamberlin			
Address: 2908 Rio Grande Boulevard NW			
City/State/Zip: Albuquerque, NM 87107			
Phone:		Email:	
APPLICANT/AGENT INFORMATION			
Applicant/Agent Name (Owner letter of Authorization required): Aldrich Land Surveying – Tim Aldrich			
Business Name: Aldrich Land Surveying			
Address: PO Box 30701			
City/State/Zip: Albuquerque, NM 87190			
Phone: 505-328-3988		Email: tim.aldrich@comcast.net	
DEVIATION APPLICATION REQUIREMENTS			
<b>MUST INCLUDE:</b> <input checked="" type="checkbox"/> <b>SITE PLAN</b> <input checked="" type="checkbox"/> <b>ANY ADDITIONAL SUPPORTING DOCUMENTS</b> 6-4(P)(3) Decision-making body may approve Deviation if <b>all</b> following requirements are met: <b><u>CHECK BOX IF REQUIREMENT IS MET</u></b>			
<input type="checkbox"/> 6-4(P)(3)(a) Applicant's site is subject to site constraints not generally shared by surrounding properties or site was platted or developed in an unusual pattern when compared to abutting properties <b>Explanation:</b> See Attachment "A"			
<input type="checkbox"/> 6-4(P)(3)(b) Site constraints were not created by actions of property owner or another interested party. <b>Explanation:</b> See Attachment "A"			
<input type="checkbox"/> 6-4(P)(3)(c) Request is for single site and is not part of a pattern of similar requests for adjacent properties or for nearby sites by the same property owner or within the same subdivision, Framework Plan area, or Master Plan Area. <b>Explanation:</b> See Attachment "A"			
<input type="checkbox"/> 6-4(P)(3)(d) Approval of deviations will not cause material adverse impacts on surrounding properties. <b>Explanation:</b> See Attachment "A"			
<input type="checkbox"/> 6-4(P)(3)(e) Requested deviation will not result in a violation of any Overlay zone standard. <b>Explanation:</b> See Attachment "A"			
APPLICANT-OWNER SIGNATURE			
By signing below I confirm that I am the owner or agent (with owner's letter of authorization) of above-listed address and all information contained in this application is true and correct to the best of my knowledge.			
Applicant/Owner Signature:			Date: 04/20/2022
OFFICIAL USE ONLY			
UPC Number: 101306010008030612			
Lot: 24-PORTION OF	Block: —	Zone: R-A	Map Page: G13
Previous zone:		Landfill buffer: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Subdivision: ALVARADO GARDENS UNIT 11			
APO: —	CPO: —	HPO: —	VPO: —
Mapped Area:		Master Dev Plan: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Site Dev. Plan: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
UC - AC - MS - PT - MT - MX-FB: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
List any current or prior project and case history numbers: PR-2022-006762			
<input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED BY:			Date: 5.16.22

CODE ENFORCEMENT DIVISION, 600 2ND ST. NW, ALBUQUERQUE, NM 87102 505.924.3850

[www.cabq.gov](http://www.cabq.gov)

**DEVIATION REQUEST AND EXPLANATIONS**  
**FOR LOTS 24-A AND 24-B, ALVARADO GARDENS**

Aldrich Land Surveying, agent for Steven R. Chamberlin and Susan Chamberlin, is requesting a deviation of contextual standards for this project. Our plat is proposing to divide Lot 24 into 2 lots. As shown on our attached plat our proposed Lots 24-A is 0.2785 acres and meets the contextual standard (75% of 0.3714 acre = 0.2785 acre). Lot 24-B is 0.2542 acres and does not meet the contextual standard (75% of 0.3714 acre = 0.2785 acre). We are requesting the deviation of 0.0243 acres. This is less than a 10% deviation, for Lot 24-B (calculations by Jeff Palmer attached). We have attached this request, an exhibit showing why we believe we should be granted this request, a copy of the proposed plat and original comments from Code Enforcement.

6-4(P)(3)(a)

This lot is larger than all other lots adjoining it. The original subdivision platting created 2.5 acre lots but all adjoining lots have been re-subdivided into approximately 0.25 to 0.34 acre lots. Existing R-A zoning allows for lot size of 0.2500 acres.

6-4(P)(3)(b)

This lot was not created by the existing owner or any other party. It is simply the remainder of Lot 24 after prior re-subdivision occurred.

6-4(P)(3)(c)

This request is a single request for this property only. The owner has no other ownerships or interests within this subdivision.

6-4(P)(3)(d)

The approval of this request will not cause any material adverse impact on surrounding properties. It will make this lot align more closely to what already exists in this area.

6-4(P)(3)(e)

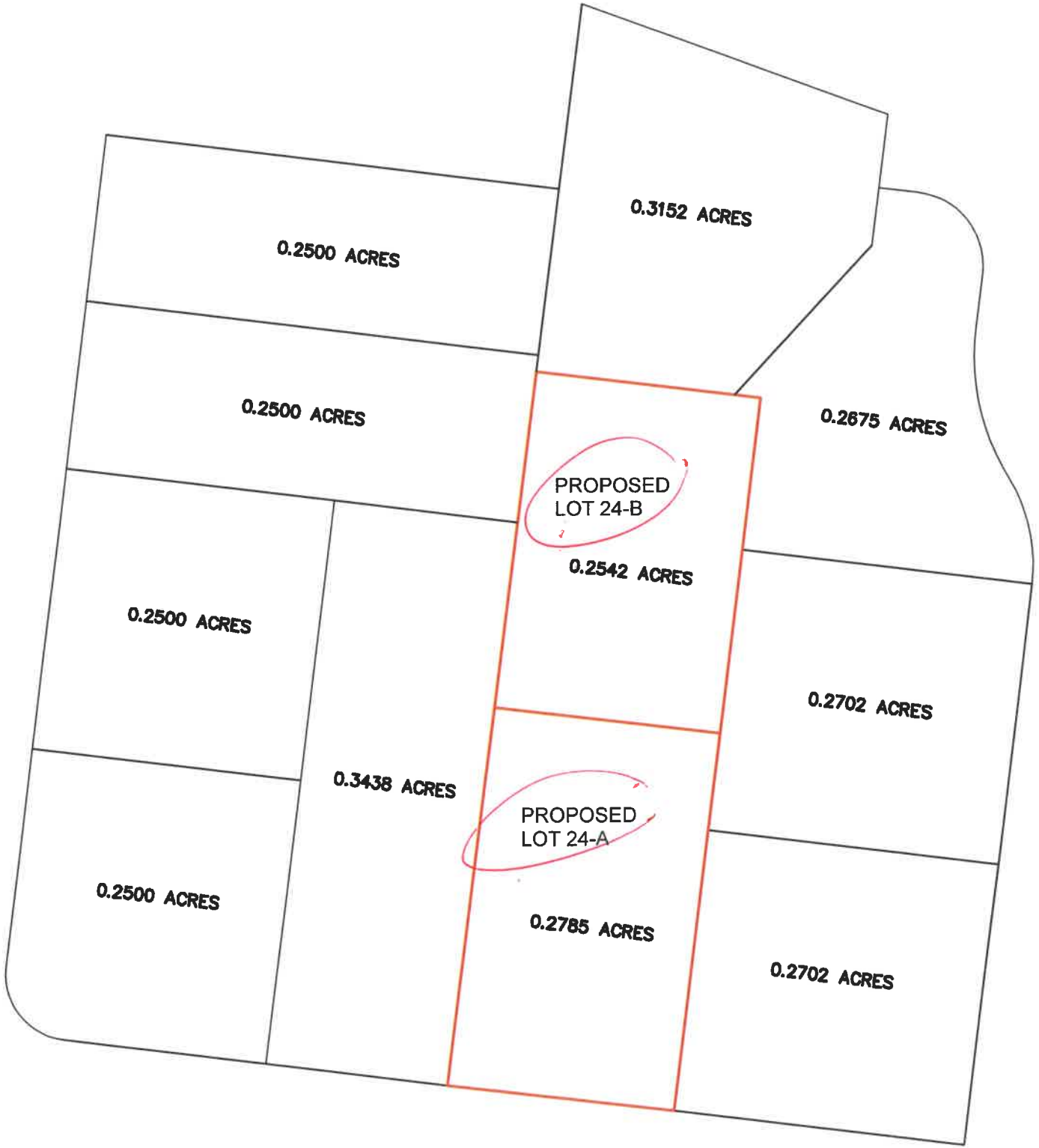
There are no overlay zones at this site.

Thank you,

Tim Aldrich, PS

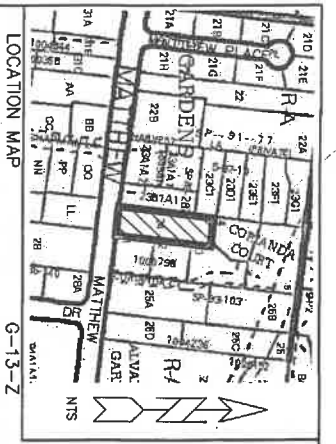
Aldrich Land Surveying

**ATTACHMENT "A"**



ATTACHMENT "B"





**PURPOSE OF PLAT**  
 1. To create lots 24-A and 24-B as shown hereon.  
 2. To grant easements as shown hereon.

**SUBDIVISION DATA**  
 1. Project No.: PR-2022-006762  
 2. Application No.: SD-2022-00043  
 3. Zone Atlas Index No.: G-13-Z  
 4. Total Number of lots created: 2  
 5. Total Number of existing Lots: 1  
 6. Gross Subdivision Acreage: 0.3337 Acres

**NOTES**  
 1. Bearings are New Mexico State Plane Grid Bearings (Central Zone).  
 2. Distances are ground distances.  
 3. Bearings and distances in parenthesis are record.  
 4. Basis of boundary is the plot of record entitled:  
 "ALVARADO GARDENS",  
 (08-15-1932, C02-010)  
 all being records of Bernalillo County, New Mexico.  
 5. Field Survey: October, 2021.  
 6. Title Report(s): None provided

7. Address of Property: 2217 Matthew Avenue NW, Albuquerque, New Mexico 87104  
 8. City of Albuquerque, New Mexico IDO Zone: R-A  
 9. 100 Year Flood Zone Designation: ZONE X (protected by levee), Panel 331 of 825, Flood Insurance Rate Map, City of Albuquerque, Bernalillo County, New Mexico, dated August 16, 2012.  
 10. Unless shown otherwise all points are set 1/2" rebar with cap or PK nail with tag LS 7719."

**FREE CONSENT**  
 The subdivision hereon described is with the free consent and in accordance with the desires of the undersigned owner(s) and/or proprietor(s) hereof. Said owner(s) and/or proprietor(s) do hereby consent to the creation of lots as shown hereon. Said owner(s) and/or proprietor(s) do hereby consent to the granting of easements as shown hereon. Said owner(s) and/or proprietor(s) do hereby consent to all the foregoing and do hereby certify that this subdivision is their free act and deed. Said owner(s) and/or proprietor(s) do hereby hold among them certain and defensible interest in the land shown on this plat.  
 Steven R. Chamberlin and Susan Chamberlin, husband and wife  
 Date: 12-21-21

STATE OF NEW MEXICO )  
 BERNALILLO COUNTY )  
 On this 21 day of December 2021, this instrument was acknowledged before me by Steven R. Chamberlin and Susan Chamberlin, husband and wife.  
 My Commission Expires: 10-31-2024  
 Notary Public

**DESCRIPTION**  
 A tract of land situate within the Town of Albuquerque Grant, projected Section 6, Township 10 North, Range 3 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico, being the West 85 feet of the South 1/2 of Lot 24, Alvarado Gardens, as the same is shown and designated on said plat, filed for record in the office of the County Clerk of Bernalillo County, New Mexico, on August 15, 1932, in Plat Book C02, Page 010, and by Wernonly Deed, filed July 29, 2011, as Document No. 2011089432, and containing 0.3337 acres more or less.

**PUBLIC UTILITY EASEMENTS**  
 PUBLIC UTILITY EASEMENTS shown on this plat are granted for the common and joint use of:  
 1. Public Service Company of New Mexico (PNM) for the installation, maintenance and service of overhead and underground electrical lines, transformers, and other equipment, fixtures, structures and related facilities reasonably necessary to provide electrical services.  
 2. New Mexico Gas Company (NMGCO) for installation, maintenance, and service of natural gas lines, valves and other equipment and facilities reasonably necessary to provide natural gas services.  
 3. Lumen for installation, maintenance and service of all buried and aerial communication lines and other related equipment and facilities reasonably necessary to provide communication services, including but not limited to above ground pedestals and enclosures.  
 4. Comcast for the installation, maintenance, and service of such lines, cable and other related equipment and facilities reasonably necessary to provide Cable TV services.  
 included is the right to build, rebuild, construct, reconstruct, locate, relocate, change, remove, modify, renew, operate, and maintain facilities for the purposes described above, together with free access to, from, and over said right-of-way and easement, with the right and privilege of going upon, over and across adjoining lands of Grantor for the purposes set forth herein and with the right to utilize the right-of-way and easement to extend services to customers of Grantor, and to trim and remove trees, shrubs or bushes which interfere with the purposes set forth herein. No building, sign, pool (above ground or subsurface), hot tub, concrete or wood pool decking, or other structure shall be erected or constructed on said easements, nor shall any well be drilled or operated thereon. Property owners shall be solely responsible for correcting any violations of National Electrical Safety Code by 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, PNM, NMGCO, LUMEN and COMCAST did not conduct a title search of the properties shown hereon. Consequently, PNM, NMGCO, LUMEN and COMCAST do not warrant 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.

**SOLAR NOTE**  
 No property within the area of requested final action shall at any time be subject to a deed restriction, covenant or binding agreement prohibiting solar collectors from being installed on buildings or erected on the lots or parcels within the area of this plat.

**MIDDLE RIO GRANDE CONSERVANCY DISTRICT APPROVAL**  
 APPROVED on the condition that all rights of the Middle Rio Grande Conservancy District in easements, rights of way, easements and liens, are fully reserved for by the subdivision for the subdivision, addition, or plat, said District is obligated to furnish irrigation waters and services to any portions thereof, other than from existing turnouts.

PLAT OF  
 LOTS 24-A & 24-B  
 ALVARADO GARDENS  
 (A REPLAT OF THE WEST 85' OF THE  
 SOUTH 1/2 OF LOT 24, ALVARADO GARDENS)  
 WITHIN THE  
 TOWN OF ALBUQUERQUE GRANT  
 PROJECTED SECTION 6  
 TOWNSHIP 10 NORTH, RANGE 3 EAST, N.M.P.M.  
 M.R.G.C.D. MAP NO. 34  
 CITY OF ALBUQUERQUE  
 BERNALILLO COUNTY, NEW MEXICO  
 DECEMBER, 2021

PROJECT NUMBER: PR-2022-006762  
 Application Number: SD-2022-00043

**PLAT APPROVAL**  
 Utility Approvals:

Public Service Company of New Mexico  
 12/21/2021  
 Lumen  
 12/21/2021  
 City of Albuquerque  
 12/21/2021  
 City Surveyor  
 12/21/2021  
 Real Property Division  
 Date  
 Traffic Engineering, Transportation Division  
 Date  
 Albuquerque-Bernalillo County Water Utility Authority  
 Date  
 Parks and Recreation Department  
 Date  
 City Engineer/Hydrology  
 Date  
 Code Enforcement  
 Date  
 Solid Waste Management  
 Date  
 DRB Chairperson, Planning Department  
 Date

**SURVEYOR'S CERTIFICATION**

I, Timothy Aldrich, a duly qualified Registered Professional Land Surveyor under the laws of the State of New Mexico, do hereby certify that this plat and description were prepared by me or under my supervision, shows all easements as shown on the plat of record or made known to me by the owners and/or proprietors of the subdivision shown hereon, utility companies and other parties expressing an interest and meets the minimum requirements for monumentation and surveys of the Albuquerque Subdivision Ordinance, and further meets the Minimum Standards for Land Surveying in the State of New Mexico, and is true and correct to the best of my knowledge and belief.

Timothy Aldrich, P.S. No. 7719  
 Date: 12/13/2021

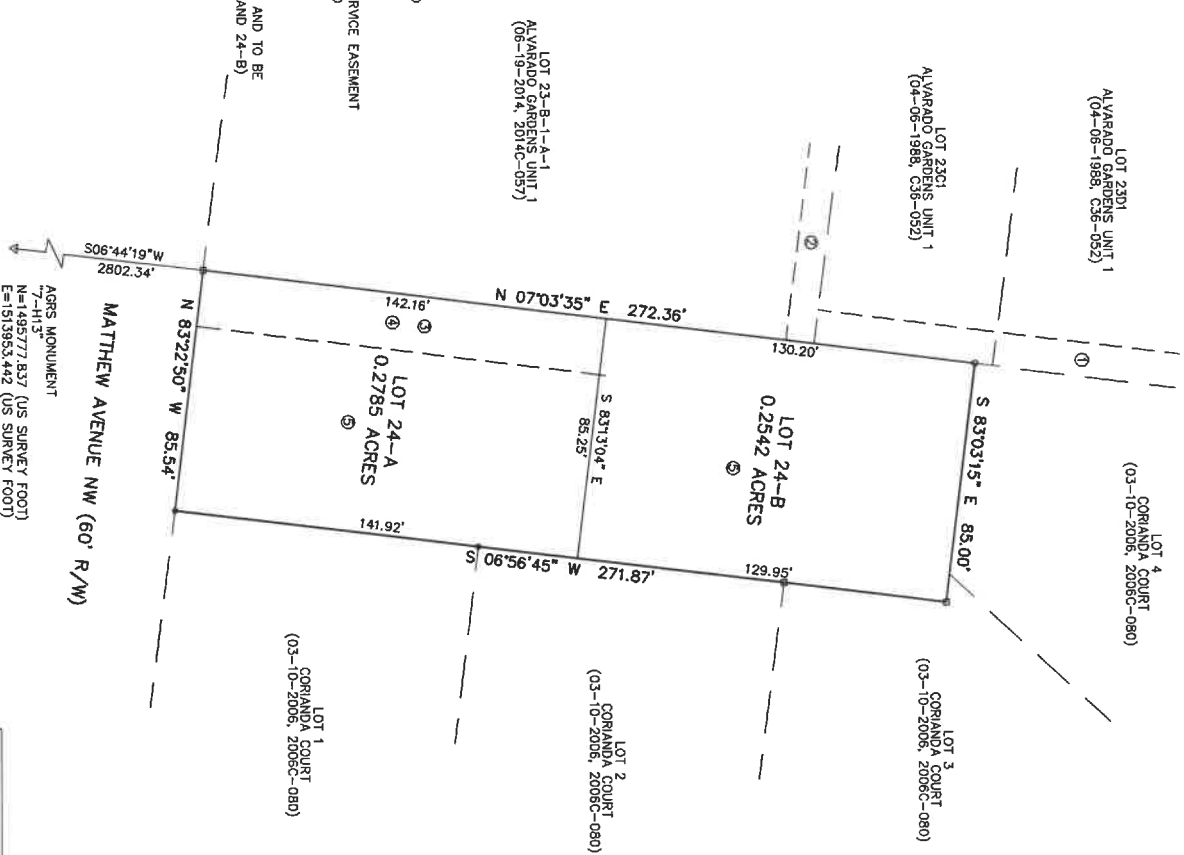


Drawn By	TA	Date	12-13-21
Checked By	TA	Drawing Name	2181PL1.DWG
Job No.	21-181	Sheet	1 of 2

**ALDRICH LAND SURVEYING**  
 P.O. BOX 30701, ALBU, N.M. 87190  
 505-884-1990

- PROPERTY CORNERS
- FOUND 1/2" REBAR WITH CAP TS 14288"
  - FOUND 1/2" REBAR
  - FOUND 3/4" STEEL PIN

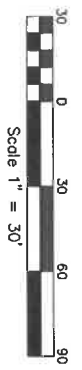
- EASEMENTS
- ① - 12' DITCH EASEMENT (04-06-1968, C36-052)
  - ② - 10' DITCH EASEMENT (12-05-1999, C40-069)
  - ③ - 20' PRIVATE ACCESS EASEMENT AND RUE (FOR THE BENEFIT OF AND TO BE MAINTAINED BY THE OWNERS OF LOT 24-A AND 24-B) (GRANTED BY THIS PLAT)
  - ④ - 20' PRIVATE SANITARY SEWER AND WATER SERVICE EASEMENT (FOR THE BENEFIT OF AND TO BE MAINTAINED BY THE OWNERS OF LOT 24-B) (GRANTED BY THIS PLAT)
  - ⑤ - BLANKET GROSS LOT DRAINAGE EASEMENT (FOR THE BENEFIT OF LOTS 24-A AND 24-B AND TO BE MAINTAINED BY THE OWNERS OF LOTS 24-A AND 24-B) (GRANTED BY THIS PLAT)



AGRS MONUMENT  
7-113"  
N=1495777.837 (US SURVEY FOOT)  
E=1513853.442 (US SURVEY FOOT)  
G-G=0.99984760  
A= -0014.3556"  
CENTRAL ZONE  
ELEV=4964.364 (US SURVEY FOOT)  
(NAD83/NAVD83)

PLAT OF  
LOTS 24-A & 24-B  
ALVARADO GARDENS  
(A REPLAT OF THE WEST 85' OF THE  
SOUTH 1/2 OF LOT 24, ALVARADO GARDENS)  
WITHIN THE  
TOWN OF ALBUQUERQUE GRANT  
PROJECTED SECTION 6  
TOWNSHIP 10 NORTH, RANGE 3 EAST, N.M.P.M.  
M.R.G.C.D. MAP NO. 34  
CITY OF ALBUQUERQUE  
BERNALILLO COUNTY, NEW MEXICO  
DECEMBER, 2021

NOTES (continued from page 1)  
11. A deviation from S-1(C)(2)(c) of the IDO pertaining to lot site for Contextual Residential Development in Areas of Consistency was approved on \_\_\_\_\_, 2022 by the DRB for the lots as depicted on this Plat.



Drawn By:	TA	Date:	12-13-21
Checked By:	TA	Drawing Name:	21191PLT.DWG
Job No.:	21-191	Sheet:	2 of 2

05-03-22 rev  
04-25-22 rev  
02-08-22 rev

**ADRIK LAND SURVEYING**  
P.O. BOX 30701, ALBUQ., N.M. 87190  
505-884-1990

## DEVELOPMENT REVIEW BOARD Code Enforcement Comments

*Disclaimer: Comments provided are based upon information received from applicant/agent. If new or revised information is submitted, additional comments may be provided by Planning staff.*

Jeff Palmer-Senior Code Enforcement Specialist  
Planning Department  
[jppalmer@cabq.gov](mailto:jppalmer@cabq.gov)

DATE: 3/30/2022

**AGENDA ITEM NO:** 17

**DRB PROJECT NUMBER:**

PR-2022-006762  
SD-2022-00043 – PRELIMINARY/FINAL PLAT

**PROJECT NAME:**

ALDRICH LAND SURVEYING – TIM ALDRICH agent for STEVEN R. CHAMBERLIN AND SUSAN CHAMBERLIN requests the aforementioned action(s) for all or a portion of: LOT 2, ALVARADO GARDENS zoned R-A, located at 2217 MATTHEW AVE NW between HARVEST LANE NW and CORIANDA CT NW containing approximately 0.5327 acres(s). (G-13)

**PROPERTY OWNERS:** CHAMBERLIN STEVEN R & SUSAN

**REQUEST:** DIVIDE LOT 24 INTO 2 TRACTS, GRANT PRIVATE ACCESS EASEMENT, PRIVATE SANITARY SEWER AND WATER SERVICE EASEMENT AND PUBLIC UTILITY EASEMENT

**COMMENTS:**

1. Property is zoned Rural & Agricultural (R-A) and must meet all Dimensional Standards of the R-A zone, as per IDO section 5-1, Table 5-1-1 for platting and development.
2. Property is located in an Area of Consistency and must meet Contextual lot size standards per IDO section 5-1(C)(2)(b).
3. Contextual lot size calculations are as follows:
  - Total Acreage of four lots measured (see map below) = 1.4858/4 lots = 0.3714 acre average size.
  - 75% of 0.3714 acre = 0.2785 acre minimum lot size allowed. *J Palmer*
  - 125% of 0.3714 acre = 0.4643 acre maximum lot size allowed.
4. Lot sizes proposed are as follows:
  - Lot 24-A = ~~0.2827~~<sup>0.2785</sup> acres *J Palmer* – this fits within the allowed contextual lot sizes allowed.
  - Lot 24-B = ~~0.2500~~<sup>0.2542</sup> acres – this is less than the minimum allowed contextual lot size allowed.



## DEVELOPMENT REVIEW BOARD Code Enforcement Comments

*Disclaimer: Comments provided are based upon information received from applicant/agent. If new or revised information is submitted, additional comments may be provided by Planning staff.*

Jeff Palmer-Senior Code Enforcement Specialist  
Planning Department  
[jppalmer@cabq.gov](mailto:jppalmer@cabq.gov)

DATE: 3/30/2022

5. Based on calculations shown and the lot sizes proposed, you must obtain prior approval for the smaller lot size before Code Enforcement can approve the proposed Plat action. This can be done either through submittal of a Deviation Application with the application for the Preliminary/Final Plat, or by obtaining an approved Variance for the smaller lot to meet the calculated allowed size.

*See the Map below for illustration of block area and lots included. Lots included in block calculations are:*

- 2219 Matthew Av, 2214 Matthew Av, 2210 Matthew Av, and 2200 Matthew Ave.
- These four lots are the only lots which front the same street, Matthew Ave, within the block between Corianda Ct/Meadowview, to the East, and Harvest Lane, to the West.



Excerpt from IDO, section 5-1(C)(2) Contextual Residential Development in Areas of Consistency:

5-1(C)(2)(b) Lot Size

*In any Residential zone district in an Area of Consistency, the minimum and maximum lot sizes for construction of new low density residential development shall be based on the size of the Bernalillo County Tax Assessor's lot, or a combination of adjacent Tax Assessor's lots, on the portions of the blocks fronting the same street as the lot where the new low-density residential development is to be constructed, rather than on the size of the individual subdivision lots shown on the existing subdivision plat.*