



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

<b>MISCELLANEOUS APPLICATIONS</b>		<input type="checkbox"/> Extension of Infrastructure List or IIA (Form S3)
<input type="checkbox"/> Site Plan Administrative DFT (Forms P & P2)	<b>PRE-APPLICATIONS</b>	
<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)	<b>APPEAL</b>	
<input type="checkbox"/> Extension of IIA: Temp. Def. of SW (Form S3)	<input type="checkbox"/> Administrative Decision (Form A)	

**BRIEF DESCRIPTION OF REQUEST**

I'm building 3 townhomes of these lots and I need to re-address the lots from 3rd St SW to Storer Ave SW since the doors face Storer. In order to do so I need to re-plot the lots

**APPLICATION INFORMATION**

Applicant/Owner: Joseph B. Velasquez	Phone: 505-489-9423
Address: 1729 21st Ave SE	Email: bealonabe@gmail.com
City: Rio Rancho	State: NM
Professional/Agent (if any):	Zip: 87124
Address:	Phone:
City:	Email:
Proprietary Interest in Site:	Zip:
List all owners: Michelle Padilla	

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

Lot or Tract No.: 22, 23, 24	Block: F	Unit:
Subdivision/Addition: Atlantic & Pacific Addn	MRGCD Map No.:	UPC Code: 10140571942133402
Zone Atlas Page(s): K-14	Existing Zoning: R-ML	Proposed Zoning: R-ML
# of Existing Lots: 3	# of Proposed Lots: 3	Total Area of Site (Acres): 0.1033

**LOCATION OF PROPERTY BY STREETS**

Site Address/Street: 624 3rd St SW Between: Storer Ave SW and: Iron Ave SW

**CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)**

Building permit # Bp-2022-38760

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:	Date: 8/23/2023
Printed Name: Joseph B Velasquez	<input checked="" type="checkbox"/> Applicant or <input type="checkbox"/> Agent

- \_\_\_ 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](mailto: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](mailto: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

Date: August 23, 2023

Subject: Request for Re-addressing and Re-platting of Lot at 624 3rd ST SW  
To whom it may concern,

I am writing to you as the owner of the property located at 624 3rd ST SW, Albuquerque, NM. I, Joseph Velasquez, am kindly seeking your permission and cooperation in re-platting and re-addressing this property to face Stover Ave.

The main reason for this request is the orientation of the forthcoming development on this dirt lot. We are planning to construct three individual units, and the architectural and site plans have been drawn up in such a way that the primary entrances (front doors) of these units face Stover Ave, rather than 3rd ST SW. This configuration has been chosen after extensive consultation and it was determined that it would be the most efficient and aesthetically appealing setup, taking into account factors such as sunlight exposure, noise levels, and overall site dynamics.

Having the addresses for these units on 3rd ST SW, while their main entrances face Stover Ave, would be confusing for residents, postal services, emergency services, and guests. For logical and practical reasons, the addresses for these units should correspond with their primary point of entry, which in this case would be Stover Ave.

Furthermore, dividing the large lot into three separate lots facing Stover Ave would align with our vision for creating a sense of individuality and ownership for the potential homeowners. Each unit would feel like a standalone property, boosting its market value and appeal to potential buyers.

To realize this vision, I am requesting the city's assistance in re-platting the existing lot at 624 3rd ST SW into three individual lots that face Stover Ave. This would ensure that the property aligns better with the planned development, and it would provide clarity in addressing for all future purposes.

I understand that there are certain procedures and requirements to be met in order to facilitate this change, and I am more than willing to work closely with the city to ensure all necessary documentation and due diligence is done. The objective is to make this transition smooth and beneficial not only for the development but also for the city and the future residents of these homes. I will also include the boundary survey that was executed by Sandia Land Surveying LLC along with the 11 foot back yard setback variance approval.

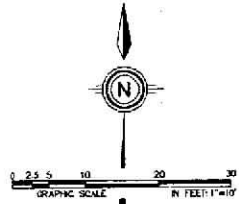
Thank you for considering my request. I am hopeful for a positive outcome and look forward to your guidance on the next steps.

Warm regards,

Joseph Velasquez

A handwritten signature in black ink, appearing to be 'Joseph Velasquez', written over a horizontal line.

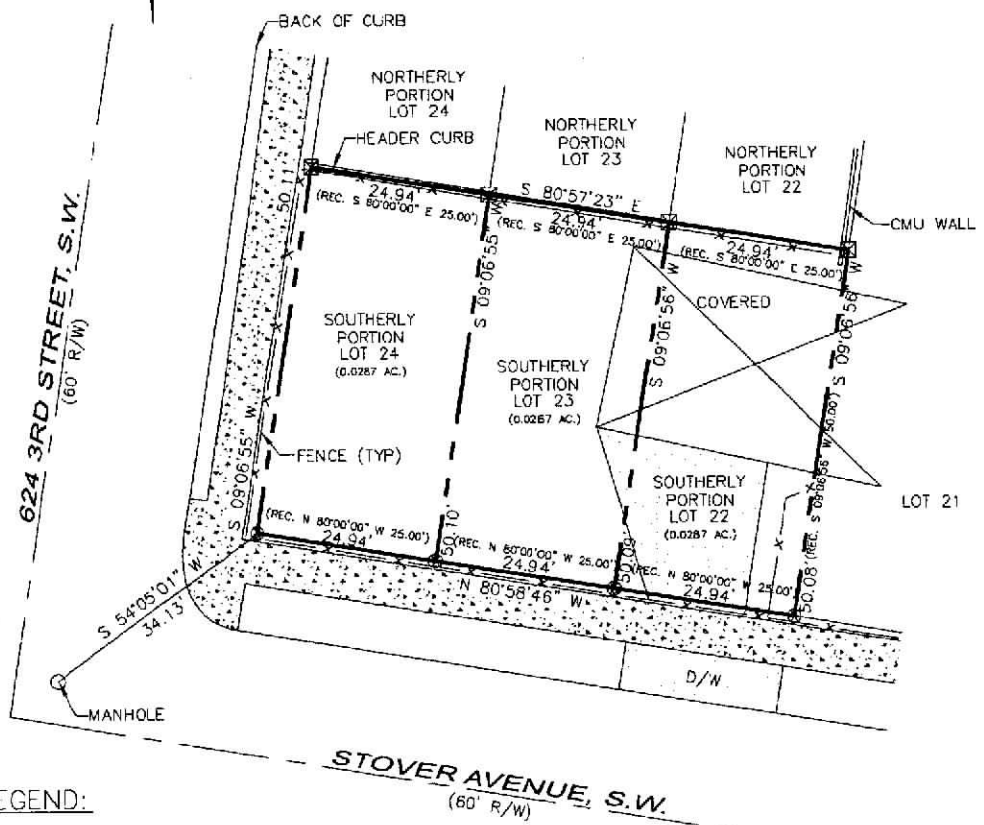




BOOK 2022053541  
 08/12/2022 08:25 AM Page: 1 of 1  
 Surveyed by: Andrew S. Medina, Bernalillo County  
 8000 1/4 3rd St SW, Bernalillo, NM 87102

BOUNDARY SURVEY PLAT  
 OF  
 LOTS 22, 23 AND 24, BLOCK F,  
 ATLANTIC AND PACIFIC ADDITION  
 WITHIN THE  
 CITY OF ALBUQUERQUE  
 BERNALILLO COUNTY, NEW MEXICO  
 APRIL 2022

Joseph B. Velasquez  
 Michelle A. Padilla  
 624 3rd St SW  
 Albuquerque NM, 87102  
 UPC 101405718421733402



- SURVEY NOTES**
- 1) DISTANCES BETWEEN HEREON ARE HORIZONTAL GROUND DISTANCES IN US SURVEY FEET.
  - 2) BEARINGS ARE BASED ON LOCAL MEAN SOLAR TIME CORRECTED FOR LOCAL OBSERVATIONS AND MOUNTAIN TIME ON THE ORIGINAL FIELD COORDINATES.
  - 3) BEARINGS ARE BASED ON GEODESIC NORTH, DERIVED FROM LOCAL GPS OBSERVATIONS AND MOUNTAIN TIME AS THE SAME IS SHOWN AND DESCRIBED ON THE PLAT OF SAID ADDITION, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO, ON APRIL 24, 1988 IN PLAT BOOK 01, FOLIO 154.
  - 4) OLD REPUBLIC TITLE COMMITMENT NUMBER 232008 DATED MARCH 22, 2002.

**LEGAL DESCRIPTION**  
 THE SOUTH EIGHTY (80) FEET (25.30') OF LOTS NUMBERED TWENTY-TWO (22), TWENTY-THREE (23) AND TWENTY-FOUR (24), IN BLOCK LETTERED "F", OF THE ATLANTIC AND PACIFIC ADDITION, CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, AS THE SAME IS SHOWN AND DESCRIBED ON THE PLAT OF SAID ADDITION, FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO, ON APRIL 24, 1988 IN PLAT BOOK 01, FOLIO 154.

**FLOOD HAZARD INFORMATION**  
 IT IS HEREBY CERTIFIED THAT THE ABOVE DESCRIBED PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOOD HAZARD ZONING IN ACCORDANCE WITH THE FEDERAL FLOOD INSURANCE DISCOUNT ACT (FLOOD DISCOUNT ACT), 42 U.S.C. 1982B, AND THE NEW MEXICO FLOOD HAZARD ZONING ACT, 1988 N.M.S.A. 72-1-1.

**SURVEYOR'S CERTIFICATION**  
 I, ANDREW S. MEDINA, NEW MEXICO PROFESSIONAL SURVEYOR NUMBER 12649, HEREBY CERTIFY THAT THIS PLAT OF SURVEY WAS PREPARED FROM FIELD NOTES OF AN ACTUAL GROUND SURVEY PERFORMED BY ME OR UNDER MY SUPERVISION, THAT IT MEETS THE STANDARDS FOR LAND SURVEYS IN NEW MEXICO AS ADOPTED BY THE NEW MEXICO STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS, AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SURVEY IS NOT A LAND DIVISION OF SUBDIVISION AS DEFINED IN THE NEW MEXICO SUBDIVISION ACT AND THAT THIS INSTRUMENT IS A BOUNDARY SURVEY PLAT OF AN EXISTING TRACT OR TRACTS.

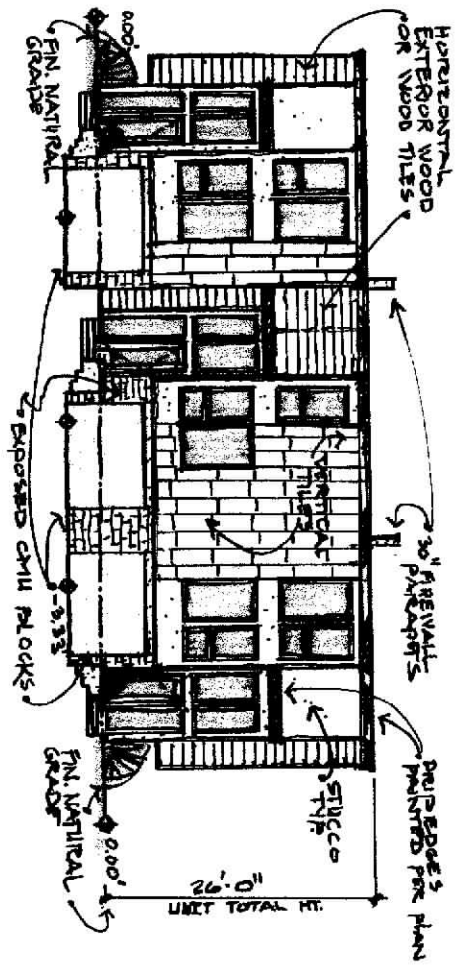
*Andrew S. Medina*  
 ANDREW S. MEDINA N.M.P.S. # 12649  
 DATE 4-8-2022



SEARCHED \_\_\_\_\_  
 INDEXED \_\_\_\_\_  
**SANDIA LAND SURVEYING LLC**  
 15 CASH (FEE) \$1000.00 PLACED IN THE PUBLIC RECORDS (COST) \$60.00  
 JOB NO: 546-22 DATE: 4-8-2022  
 SCALE: 1"=10' SURVEYOR: A.S.M.

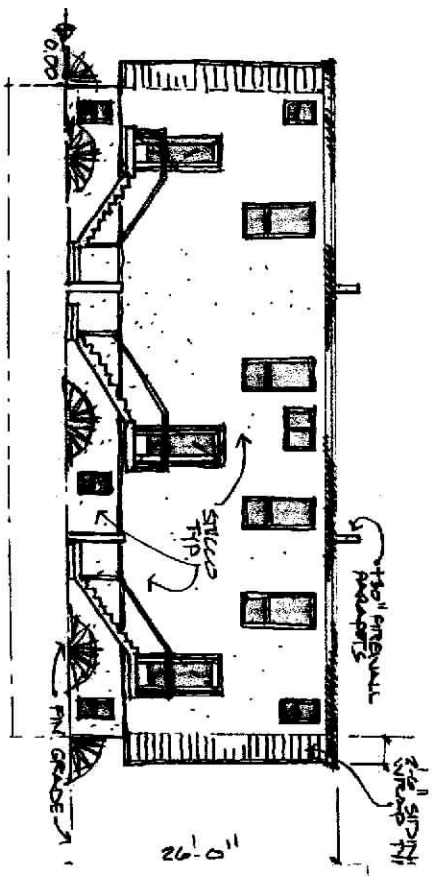
- LEGEND:**
- ⊗ SET #4 REBAR W/CAP "SLS 12649"
  - ⊗ SET #1 NAIL W/TAG "SLS 12649"
  - FOUND #4 REBAR





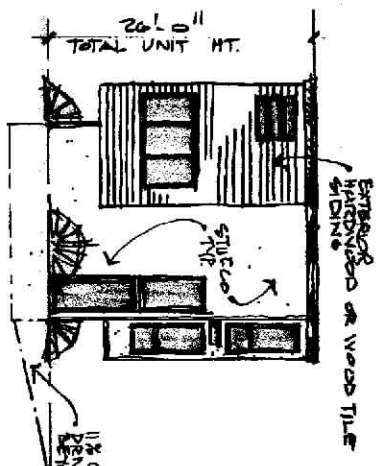
FRONT ELEVATION

Scale: 3/16" = 1'-0"



REAR ELEVATION

Scale: 3/16" = 1'-0"



TYP. SIDE ELEVATION

Scale: 3/16" = 1'-0"

PADILLA-SILVA-VELASQUEZ

624 3RD STREET  
ALBUQUERQUE, NM

**ES** EricSpurlock  
Custom Home Design

ERIC SPURLOCK  
6100 DEERHILL LAKE NE  
SUITE 8-20  
ALBUQUERQUE, NM 87110  
TEL: 855-775-6756

Copyright © 2022 Eric Spurlock

E-1  
1 of 15

ELEVATIONS

NO.	DATE	DESCRIPTION
1.0		
2.0		
3.0		
4.0		
5.0		
6.0		
7.0		
8.0		
9.0		
10.0		



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

Joseph B. Velasquez & Michelle Padilla requests a variance of 4 feet to the required 15 foot rear yard setback for Lot 22, Block F, Atlantic & Pacific Addn, located at 624 3<sup>RD</sup> ST SW, zoned R-ML [Section 14-16-5-5-1]

Special Exception No: ..... VA-2023-00159  
Project No: ..... Project#2023-008771  
Hearing Date: ..... 07-18-23  
Closing of Public Record: ..... 07-18-23  
Date of Decision: ..... 08-02-23

On the 18th day of July, 2023, property owners Joseph B. Velasquez & Michelle Padilla (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 4 feet to the required 15 foot rear yard setback (“Application”) upon the real property located at 624 3<sup>RD</sup> ST SW (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 4 feet to the required 15 foot rear yard setback.
2. The City of Albuquerque Integrated Development Ordinance, 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 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 this IDO, the applicable zone district, or any applicable Overlay Zone.*
  - (5) *The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.*”
3. 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).
4. 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).
5. Agent appeared at the ZHE hearing on this matter and gave evidence in support of the Application.



6. Applicant established that the proper "Notice of Hearing" signage was posted for the required time period.
7. Applicant established that all property owners and neighborhood association entitled to notice were notified of the Application.
8. Applicant established that proper notice was provided pursuant to IDO requirements.
9. Applicant has authority to pursue this Application.
10. The City Traffic Engineer submitted a report stating no objection to the Application.
11. The subject property is currently zoned R-ML.
12. Based on evidence submitted by or on behalf of 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(O)(3)(a)(1). Specifically, Applicant confirmed in oral testimony and submitted evidence that, the Subject Property's unique layout based on historic platting, as well as the location of existing public and private improvements, create special circumstances. The size of the lot makes development of the proposed structure anywhere else on the lot unfeasible. These special circumstances create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the Subject Property, because compliance with the minimum standards would not allow for the reasonably proposed use, which otherwise would be in compliance with the IDO.
13. 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(O)(3)(a)(2). Specifically, 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).
14. 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(O)(3)(a)(3). Specifically, the proposal is designed to be in harmony and consistency with prior approvals, what currently exists in the neighborhood, rights of way and infrastructure.
15. 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(O)(3)(a)(4). Specifically, Applicant confirmed in written submittals that the intent of IDO will still be met in that the subject site will be in harmony with existing uses and the proposed variance would merely add to the useability of the site in line with IDO requirements.
16. Based on evidence submitted by or on behalf of Applicant, the variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties as required by Section 14-16-6-6(O)(3)(a)(5). Specifically, Applicant submitted evidence that any smaller variance would be ineffective to provide for the useability of the site. Thus, the applicant is not requesting more than what is minimally necessary for a variance.
17. The requirements of IDO Section 14-16-6-6(O)(3)(a) are satisfied.

DECISION:

APPROVAL of a variance of 4 feet to the required 15 foot rear yard setback.

APPEAL:

If you wish to appeal this decision, you must do so by August 17, 2023 pursuant to Section 14-16-6-4(V), 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.



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Robert Lucero, Esq.  
Zoning Hearing Examiner

cc:

ZHE File  
Zoning Enforcement  
Joseph Brian Velasquez [mbrain03@yahoo.com](mailto:mbrain03@yahoo.com)



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

Joseph B. Velasquez & Michelle Padilla requests a variance of 4 feet to the required 15 foot rear yard setback for Lot 23, Block F, Atlantic & Pacific Addn, located at 624 3<sup>RD</sup> ST SW, zoned R-ML [Section 14-16-5-5-1]

Special Exception No: ..... VA-2023-00160  
Project No: ..... Project#2023-008771  
Hearing Date:..... 07-18-23  
Closing of Public Record: ..... 07-18-23  
Date of Decision: ..... 08-02-23

On the 18th day of July, 2023, property owners Joseph B. Velasquez & Michelle Padilla ("Applicant") appeared before the Zoning Hearing Examiner ("ZHE") requesting a variance of 4 feet to the required 15 foot rear yard setback ("Application") upon the real property located at 624 3<sup>RD</sup> ST SW ("Subject Property"). Below are the ZHE's finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 4 feet to the required 15 foot rear yard setback.
2. The City of Albuquerque Integrated Development Ordinance, 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 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 this IDO, the applicable zone district, or any applicable Overlay Zone.*
  - (5) *The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.*"
3. 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).
4. 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).
5. Agent appeared at the ZHE hearing on this matter and gave evidence in support of the Application.

6. Applicant established that the proper "Notice of Hearing" signage was posted for the required time period.
7. Applicant established that all property owners and neighborhood association entitled to notice were notified of the Application.
8. Applicant established that proper notice was provided pursuant to IDO requirements.
9. Applicant has authority to pursue this Application.
10. The City Traffic Engineer submitted a report stating no objection to the Application.
11. The subject property is currently zoned R-ML.
12. Based on evidence submitted by or on behalf of 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(O)(3)(a)(1). Specifically, Applicant confirmed in oral testimony and submitted evidence that, the Subject Property's unique layout based on historic platting, as well as the location of existing public and private improvements, create special circumstances. The size of the lot makes development of the proposed structure anywhere else on the lot unfeasible. These special circumstances create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the Subject Property, because compliance with the minimum standards would not allow for the reasonably proposed use, which otherwise would be in compliance with the IDO.
13. 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(O)(3)(a)(2). Specifically, 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).
14. 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(O)(3)(a)(3). Specifically, the proposal is designed to be in harmony and consistency with prior approvals, what currently exists in the neighborhood, rights of way and infrastructure.
15. 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(O)(3)(a)(4). Specifically, Applicant confirmed in written submittals that the intent of IDO will still be met in that the subject site will be in harmony with existing uses and the proposed variance would merely add to the useability of the site in line with IDO requirements.
16. Based on evidence submitted by or on behalf of Applicant, the variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties as required by Section 14-16-6-6(O)(3)(a)(5). Specifically, Applicant submitted evidence that any smaller variance would be ineffective to provide for the useability of the site. Thus, the applicant is not requesting more than what is minimally necessary for a variance.
17. The requirements of IDO Section 14-16-6-6(O)(3)(a) are satisfied.

DECISION:

APPROVAL of a variance of 4 feet to the required 15 foot rear yard setback.

APPEAL:

If you wish to appeal this decision, you must do so by August 17, 2023 pursuant to Section 14-16-6-4(V), 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.



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Robert Lucero, Esq.  
Zoning Hearing Examiner

cc:

ZHE File  
Zoning Enforcement  
Joseph Brian Velasquez [mbrain03@yahoo.com](mailto:mbrain03@yahoo.com)



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

Joseph B. Velasquez & Michelle Padilla requests a variance of 4 feet to the required 15 foot rear yard setback for Lot 24, Block F, Atlantic & Pacific Addn, located at 624 3<sup>RD</sup> ST SW, zoned R-ML [Section 14-16-5-5-1]

Special Exception No: ..... VA-2023-00161  
Project No: ..... Project#2023-008771  
Hearing Date: ..... 07-18-23  
Closing of Public Record: ..... 07-18-23  
Date of Decision: ..... 08-02-23

On the 18th day of July, 2023, property owners Joseph B. Velasquez & Michelle Padilla (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 4 feet to the required 15 foot rear yard setback (“Application”) upon the real property located at 624 3<sup>RD</sup> ST SW (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 4 feet to the required 15 foot rear yard setback.
2. The City of Albuquerque Integrated Development Ordinance, 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:*
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  - (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 this IDO, the applicable zone district, or any applicable Overlay Zone.*
  - (5) *The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.*”
3. 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).
4. 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).
5. Agent appeared at the ZHE hearing on this matter and gave evidence in support of the Application.

6. Applicant established that the proper "Notice of Hearing" signage was posted for the required time period.
7. Applicant established that all property owners and neighborhood association entitled to notice were notified of the Application.
8. Applicant established that proper notice was provided pursuant to IDO requirements.
9. Applicant has authority to pursue this Application.
10. The City Traffic Engineer submitted a report stating no objection to the Application.
11. The subject property is currently zoned R-ML.
12. Based on evidence submitted by or on behalf of 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(O)(3)(a)(1). Specifically, Applicant confirmed in oral testimony and submitted evidence that, the Subject Property's unique layout based on historic platting, as well as the location of existing public and private improvements, create special circumstances. The size of the lot makes development of the proposed structure anywhere else on the lot unfeasible. These special circumstances create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the Subject Property, because compliance with the minimum standards would not allow for the reasonably proposed use, which otherwise would be in compliance with the IDO.
13. 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(O)(3)(a)(2). Specifically, 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).
14. 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(O)(3)(a)(3). Specifically, the proposal is designed to be in harmony and consistency with prior approvals, what currently exists in the neighborhood, rights of way and infrastructure.
15. 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(O)(3)(a)(4). Specifically, Applicant confirmed in written submittals that the intent of IDO will still be met in that the subject site will be in harmony with existing uses and the proposed variance would merely add to the useability of the site in line with IDO requirements.
16. Based on evidence submitted by or on behalf of Applicant, the variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties as required by Section 14-16-6-6(O)(3)(a)(5). Specifically, Applicant submitted evidence that any smaller variance would be ineffective to provide for the useability of the site. Thus, the applicant is not requesting more than what is minimally necessary for a variance.
17. The requirements of IDO Section 14-16-6-6(O)(3)(a) are satisfied.

DECISION:

APPROVAL of a variance of 4 feet to the required 15 foot rear yard setback.

APPEAL:

If you wish to appeal this decision, you must do so by August 17, 2023 pursuant to Section 14-16-6-4(V), 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.



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Zoning Hearing Examiner

cc:

ZHE File  
Zoning Enforcement  
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