



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

Barbara Baxter Meyer Trustee Meyer Separate Property Trust & Etal (Agent - Jim Strozier & Santos Martinez, Consensus Planning) requests a variance of approximately 8,422 square feet to the Contextual Lot Size for Residential Development in Areas of Consistency for Lot 3, Lands of Baxter and Mehl, comprising Tracts 34A1B, 34A1C, 34B1A, 34B1B, 34B2B, 34C2B, 34C2C, 117A MRGCD Map 31 & 32 (proposed lot 3-B), located at 1610 Bayita Lane NW, zoned R-A (Section 14-16-5-1(C)(2)(b))

Special Exception No:	VA-2025-00125
Project No:	
Hearing Date:	09-16-2025
Closing of Public Record:	09-16-2025
Date of Decision:	10-01-2025

On September 16, 2025, Jim Strozier & Santos Martinez, Consensus Planning (“**Agent**”) as agent for Barbara Baxter Meyer Trustee Meyer Separate Property Trust & Etal (“**Applicant**”) was scheduled to appear before the Zoning Hearing Examiner (the “**ZHE**”) requesting a Variance of approximately 8,422 square feet to the Contextual Lot Size (“**Application**”) upon the real property located at 1610 Bayita Lane NW (the “**Subject Property**”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a Variance of approximately 8,422 square feet to the Contextual Lot Size, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“**IDO**”) Section 14-16-6-6(O).
2. Applicant has authority to pursue this Application, pursuant to 14-16-6-4(D).
3. Applicant has duly authorized Agent to act on Applicant’s behalf regarding the Application.
4. Applicant is not required to offer at least 1 meeting to Indian Nations, Tribes, and Pueblos no more than 1 calendar year before filing the application, pursuant to IDO Section 14-16-6-4(B).
5. The Planning Director’s delegee has determined that the Application is complete, pursuant to IDO Section 14-16-6-4(G).
6. The analyses and studies listed in IDO Section 14-16-6-4(H) are not required.
7. The Application was not required to be forwarded to commenting agencies pursuant to IDO Section 14-16-6-4(I).
8. The content of the notice of the Application satisfies IDO Section 14-16-6-4(J)(1).

9. Applicant has sent an electronic mail notice to the email addresses on file with the Office of Neighborhood Coordination for each pertinent Neighborhood Association as required by IDO Section 14-16-6-4(J)(2).
10. Applicant has sent mailed notice to all property owners within 100 feet of the subject property as required by IDO Section 14-16-6-4(J)(3).
11. Applicant has posted sign notice(s) as required by IDO Section 14-16-6-4(J)(4).
12. The Subject Property is located in the R-A zone with a minimum lot size of 10,890 sq.ft. and a contextual lot size of 25,000 sq.ft. within an area of consistency.
13. Therefore, the requested lot size of the subdivided lot on the Subject Property requires a Variance Approval pursuant to IDO Subsection 14-16-6-6(O).
14. IDO Section 14-16-6-6(O)(3)(a) (Review and Decision Criteria– Variance) 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 district and vicinity, including but not limited to size, shape, topography, location, surroundings, physical characteristics, natural forces, or by 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 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.”*
15. 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).
16. 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).
17. Applicant appeared at the September 16, 2025 ZHE hearing on the Application for a variance of approximately 8,422 square feet to the Contextual Lot Size for Residential Development and gave evidence in support of the Application.
18. 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). The average lot size that greatly differs depending on location along Bayita Lane, many of the properties along which were developed prior to adoption of a zoning ordinance in Albuquerque. All properties located to the north of Bayita Lane include the area that accommodates the existing access easement. None of the properties along the

south side of Bayita have this allowance calculated within their lot size. The pattern on the south side of the street, where the Subject Property is located, is not contextually uniform. Strict adherence to the contextual standards creates an unreasonable hardship on the applicant due to different patterns of lot sizes and shapes dependent upon their location on Bayita Lane. The lots along the northern side of Bayita are 11,988 square feet larger (.27 of an acre) than those along the south side of the same road.

19. 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). An approved variance will allow for the construction of a new single-family home on Bayita Lane and is consistent with R-A lot standards.
20. 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). The variance does not cause adverse impacts on existing infrastructure that services surrounding properties in the vicinity. Existing infrastructure can service a new single-family home on the proposed lot.
21. 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). Applicant intends to develop a single family home consistent with the purposes of the R-Z zone and in compliance with applicable City ordinances.
22. 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). Applicant submitted evidence that any smaller variance would not be sufficient to allow for the development of one new single-family home and provide a separate lot to maintain the existing home

DECISION:

APPROVAL of a Variance of approximately 8,422 square feet to the Contextual Lot Size.

APPEAL:

If you wish to appeal this decision, you must do so by October 16, 2025 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 Notice of Decision does not constitute approval of plans for a building permit. If your Application is approved, bring this Notice of Decision with you when you apply for any related building permit or occupation tax number. Approval of a Conditional Use is void after two (2) years from date of approval if the rights and privileges granted thereby have not been executed or utilized. Approval of a Variance is void after one (1) year from date of approval if the rights and privileges granted thereby have not been executed or utilized.



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