

Ellen D. Babcock (Agent, Regina Okoye) requests a Variance of 6ft 4in to required 10ft rear yard setback for all portions of Lot 12, Block 10, Eastern Addn, located at 922 Arno St SE, zoned R-1A (K-14) [IDO §14-16-5-1(C) Table 5-1-1]

Special Exception No:	VA-2025-00029
Project No:	Project#2025-020062
Hearing Date:	06-17-2025
Closing of Public Record:	06-17-2025
Date of Decision:	07-02-2025

On June 17, 2025, Regina Okoye ("Agent") as agent for Ellen D. Babcock ("Applicant") was scheduled to appear before the Zoning Hearing Examiner (the "ZHE") requesting a Variance of 6ft 4in to required 10ft rear yard setback for all portions ("Application") upon the real property located at 922 Arno St SE (the "Subject Property"). Below are the ZHE's findings of fact and decision:

- 1. Applicant is requesting a Variance of 6ft 4in to required 10ft rear yard setback for all portions, 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. The Planning Director's delegee has determined that the Application is complete, pursuant to IDO Section 14-16-6-4(G).
- 5. The content of the notice of the Application satisfies IDO Section 14-16-6-4(J)(1).
- 6. 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).
- 7. 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).
- 8. Applicant has posted sign notice(s) as required by IDO Section 14-16-6-4(J)(4).
- 9. The Subject Property is located in the R-1A zone district.
- 10. Therefore, the Subject Property requires a Variance pursuant to IDO Subsection 14-16-6-6(O).
- 11. 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 criterial:]
  - 1. There are special circumstances applicable to a single lot that are not selfimposed and that do not apply generally to other property in the same zone

- 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."
- 12. 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).
- 13. 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).
- 14. Agent appeared at the ZHE hearing on the Application and gave evidence in support of the Application.
- 15. 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 Subject Property was platted and developed long before the IDO with existing structures placed in a manner that do not comply with IDO setbacks, which gives rise to the need for the proposed variance.
- 16. 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). Evidence establishes that the proposed variance would be in line with other setbacks in the area and would have no negative impact on neighbors or the community.
- 17. 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). Evidence submitted by Applicant establishes that no negative impacts would occur.
- 18. 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). If approved, Applicant intends to develop and use the Subject Property in line with all applicable IDO requirements.
- 19. 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). Any smaller variance would be impracticable.

## DECISION:

APPROVAL of a Variance of 6ft 4in to required 10ft rear yard setback for all portions.

## APPEAL:

If you wish to appeal this decision, you must do so by July 17, 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.

Robert Lucero, Esq. Zoning Hearing Examiner

Hotert Lucy's

cc: ZHE File

Zoning Enforcement



Ellen D. Babcock (Agent, Regina Okoye) requests a Variance of 4ft 8in to the required 5 ft side yard setback for all portions of Lot 12, Block 10, Eastern Addn, located at 922 Arno St SE, zoned R-1A (K-14) [IDO §14-16-5-1(C) Table 5-1-1]

Special Exception No:	VA-2025-00030
Project No:	Project#2025-020062
Hearing Date:	06-17-2025
Closing of Public Record:	06-17-2025
Date of Decision:	07-02-2025

On June 17, 2025, Regina Okoye ("Agent") as agent for Ellen D. Babcock ("Applicant") was scheduled to appear before the Zoning Hearing Examiner (the "ZHE") requesting a Variance of 4ft 8in to the required 5 ft side yard setback for all portions ("Application") upon the real property located at 922 Arno St SE (the "Subject Property"). Below are the ZHE's findings of fact and decision:

- 1. Applicant is requesting a Variance of 4ft 8in to the required 5 ft side yard setback for all portions, 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. The Planning Director's delegee has determined that the Application is complete, pursuant to IDO Section 14-16-6-4(G).
- 5. The content of the notice of the Application satisfies IDO Section 14-16-6-4(J)(1).
- 6. 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).
- 7. 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).
- 8. Applicant has posted sign notice(s) as required by IDO Section 14-16-6-4(J)(4).
- 9. The Subject Property is located in the R-1A zone district.
- 10. Therefore, the Subject Property requires a Variance pursuant to IDO Subsection 14-16-6-6(O).
- 11. 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 selfimposed and that do not apply generally to other property in the same zone

- 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."
- 12. 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).
- 13. 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).
- 14. Agent appeared at the ZHE hearing on the Application and gave evidence in support of the Application.
- 15. 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 Subject Property was platted and developed long before the IDO with existing structures placed in a manner that do not comply with IDO setbacks, which gives rise to the need for the proposed variance.
- 16. 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). Evidence establishes that the proposed variance would be in line with other setbacks in the area and would have no negative impact on neighbors or the community.
- 17. 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). Evidence submitted by Applicant establishes that no negative impacts would occur.
- 18. 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). If approved, Applicant intends to develop and use the Subject Property in line with all applicable IDO requirements.
- 19. 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). Any smaller variance would be impracticable.

## DECISION:

APPROVAL of a Variance of 4ft 8in to the required 5 ft side yard setback for all portions.

## **APPEAL**:

If you wish to appeal this decision, you must do so by July 17, 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.

Robert Lucero, Esq.

Zoning Hearing Examiner

Hotert Lucy's

cc: ZHE File

Zoning Enforcement



Ellen D. Babcock (Agent, Regina Okoye) requests a Variance of 5ft 4in to the required 10ft front setback for all portions of Lot 12, Block 10, Eastern Addn, located at 922 Arno St SE, zoned R-1A (K-14) [IDO §14-16-5-1(C) Table 5-1-1]

Special Exception No:	VA-2025-00031
Project No:	Project#2025-020062
Hearing Date:	06-17-2025
Closing of Public Record:	06-17-2025
Date of Decision:	07-02-2025

On June 17, 2025, Regina Okoye ("Agent") as agent for Ellen D. Babcock ("Applicant") was scheduled to appear before the Zoning Hearing Examiner (the "ZHE") requesting a Variance of 5ft 4in to the required 10ft front setback for all portions ("Application") upon the real property located at 922 Arno St SE (the "Subject Property"). Below are the ZHE's findings of fact and decision:

- 1. Applicant is requesting a Variance of 5ft 4in to the required 10ft front setback for all portions, 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. The Planning Director's delegee has determined that the Application is complete, pursuant to IDO Section 14-16-6-4(G).
- 5. The content of the notice of the Application satisfies IDO Section 14-16-6-4(J)(1).
- 6. 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).
- 7. 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).
- 8. Applicant has posted sign notice(s) as required by IDO Section 14-16-6-4(J)(4).
- 9. The Subject Property is located in the R-1A zone district.
- 10. Therefore, the Subject Property requires a Variance pursuant to IDO Subsection 14-16-6-6(O).
- 11. 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 criterial:]
  - 1. There are special circumstances applicable to a single lot that are not selfimposed and that do not apply generally to other property in the same zone

- 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.
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- 5. The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties."
- 12. 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).
- 13. 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).
- 14. Agent appeared at the ZHE hearing on the Application and gave evidence in support of the Application.
- 15. 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 Subject Property was platted and developed long before the IDO with existing structures placed in a manner that do not comply with IDO setbacks, which gives rise to the need for the proposed variance.
- 16. 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). Evidence establishes that the proposed variance would be in line with other setbacks in the area and would have no negative impact on neighbors or the community.
- 17. 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). Evidence submitted by Applicant establishes that no negative impacts would occur.
- 18. 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). If approved, Applicant intends to develop and use the Subject Property in line with all applicable IDO requirements.
- 19. 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). Any smaller variance would be impracticable.

## **DECISION:**

APPROVAL of a Variance of 5ft 4in to the required 10ft front setback for all portions.

## **APPEAL**:

If you wish to appeal this decision, you must do so by July 17, 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.

Robert Lucero, Esq. Zoning Hearing Examiner

Hotert Lucy's

cc: ZHE File

Zoning Enforcement



Ellen D. Babcock (Agent, Regina Okoye) requests a Variance 915 square feet from the minimum lot size requirement for all portions of Lot 12, Block 10, Eastern Addn, located at 922 Arno St SE, zoned R-1A (K-14) [IDO §14-16-5-1(C) Table 5-1-1]

VA-2025-00032
Project#2025-020062
06-17-2025
06-17-2025
07-02-2025

On June 17, 2025, Regina Okoye ("Agent") as agent for Ellen D. Babcock ("Applicant") was scheduled to appear before the Zoning Hearing Examiner (the "ZHE") requesting a Variance 915 square feet from the minimum lot size requirement for all portions ("Application") upon the real property located at 922 Arno St SE (the "Subject Property"). Below are the ZHE's findings of fact and decision:

- 1. Applicant is requesting a Variance of Variance 915 square feet from the minimum lot size requirement for all portions, 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. The Planning Director's delegee has determined that the Application is complete, pursuant to IDO Section 14-16-6-4(G).
- 5. The content of the notice of the Application satisfies IDO Section 14-16-6-4(J)(1).
- 6. 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).
- 7. 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).
- 8. Applicant has posted sign notice(s) as required by IDO Section 14-16-6-4(J)(4).
- 9. The Subject Property is located in the R-1A zone district.
- 10. Therefore, the Subject Property requires a Variance pursuant to IDO Subsection 14-16-6-6(O).
- 11. 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[:]
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- 14. Agent appeared at the ZHE hearing on the Application and gave evidence in support of the Application.
- 15. 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 Subject Property was platted and developed long before the IDO with existing structures placed in a manner that do not comply with IDO setbacks, which gives rise to the need for the proposed variance.
- 16. 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). Evidence establishes that the proposed variance would be in line with other setbacks in the area and would have no negative impact on neighbors or the community.
- 17. 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). Evidence submitted by Applicant establishes that no negative impacts would occur.
- 18. 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). If approved, Applicant intends to develop and use the Subject Property in line with all applicable IDO requirements.
- 19. 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). Any smaller variance would be impracticable.

## DECISION:

APPROVAL of a Variance of 915 square feet from the minimum lot size requirement for all portions.

## APPEAL:

If you wish to appeal this decision, you must do so by July 17, 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.

Robert Lucero, Esq.

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Zoning Enforcement