

# **DHO WAIVER REQUEST JUSTIFICATION LETTER**

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**Permit #: BPR-2025-01175**  
**Hydrology File: H13D126**  
**Case# HYDR-2025-00422**

## **Legal Description:**

Tract 81A3, MRGCD Map 35, situate within  
projected Section 7, Township 10 North, Range  
3 East, N.M.P.M. located at 2802 Sioux St NW

Development Hearing Officer,

This is a request for a DHO Waiver from the requirement to construct sidewalk, and curb and gutter along Sioux Street NW which is required per the IDO/DPM.

## **6-6(P)(3) Review and Decision Criteria**

### **6-6(P)(3)(a) General**

An application for a Waiver – DHO shall be approved if it complies with all of the following criteria.

1. Any of the following criteria applies:

- a. There are pre-existing obstructions that cannot be easily or economically relocated or should not be altered, such as grades, fills, water courses, natural topographic features, man-made obstructions, or utility lines.

***There are pre-existing obstructions that cannot be easily or economically relocated, there is a utility pole and a pedestal box located on the NE Corner of Sioux St & Menaul Blvd that cannot be easily or economically relocated.***

- c. The established neighborhood character or landscaping on the site would be damaged to a degree that outweighs the public interest in the City's normal technical standards in that location.

***The North section of Sioux Street at Menaul Blvd is a one lane road with no curb, gutter or sidewalk on either side of the street therefore no existing sidewalk to connect to. An isolated sidewalk segment would look out of place and disrupt existing neighborhood character***

## **DHO WAIVER REQUEST JUSTIFICATION LETTER**

2. The Waiver will not be materially contrary to the public safety, health, or welfare.

***The property has existed without sidewalks since at least the mid 1900's. Installing a short, isolated sidewalk segment on this single lane road could confuse pedestrians and potentially even frustrate drivers enough to drive on the sidewalk if there is another vehicle driving the opposing way causing a major safety hazard. Drivers already drive into the vacant lot, where proposed sidewalk would be to avoid backing out.***

3. The Waiver does not cause significant material adverse impacts on surrounding properties.

***There are no sidewalks on the surrounding properties on Sioux North of Menaul and on Menaul West of Sioux. Map and pictures will be provided for reference and clarification. The absence of a sidewalk at the subject property has not had a materially adverse impact on any neighboring property during the past several decades.***

4. The Waiver will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements.

***Not building the sidewalk is consistent with the neighborhood character, and no infrastructure improvements are anticipated throughout the neighborhood.***

5. The Waiver will not conflict significantly with the goals and provisions of any City, County, or AMAFCA adopted plan or policy, this IDO, or any other City code or ordinance.

***There is no known goal or provision with which this waiver would conflict. The character of this neighborhood is not conducive to adding sidewalks.***

6. The Waiver will not allow, encourage, or make possible undesired development in the 100-year Floodplain.

***The site is not within the 100-year Floodplain.***

7. The Waiver will not materially undermine the intent and purpose of this IDO, the applicable zone district, or any applicable Overlay Zone.

***The Waiver does not materially undermine the intent and purpose of this IDO, the applicable zone district or any applicable Overlay Zone. The neighborhood as a whole does not have sidewalks, curb, gutter or landscape buffers and maintains a rural character. Certain low-density neighborhoods with low traffic and pedestrianism should maintain a rural character with no sidewalks.***

8. The Waiver does not allow a lot or type of development that does not meet the applicable Development Standards for the zone district where the lot is located, unless a deviation to such standards is within the thresholds established by Subsection 14-16-6-4(P) (Deviations) and is granted by the DHO as part of this approval.

## **DHO WAIVER REQUEST JUSTIFICATION LETTER**

***The Waiver will not allow a lot or type of development that does not meet the applicable Development Standards for this zone district.***

9. The Waiver approved is the minimum necessary to provide redress without being inconsistent with the provisions of this Subsection 14-16-6-6(P).

***The waiver is the minimum necessary to allow myself, the property owner, relief of this requirement. My responses demonstrate compliance of Subsection 14-16-6-6(P).***

10. If the request is a for a Waiver to IDO sidewalk requirements, the area is of low-intensity land use to an extent that the normal installation of sidewalks will not contribute to the public welfare, and the absence of a sidewalk will not create a gap in an existing sidewalk system extended to 1 or more sides of the subject property.

***This area is located within a low intensity land use and the installation of sidewalk will not contribute to the public welfare since the neighborhood does not have sidewalks, curb, gutter or landscape buffers. The installation of these features for this lot will not connect to an existing sidewalk system as the other residential lots do not have sidewalks.***

Regards,  
Alexis Trujillo