



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

Greg and Theresa Natzke request a variance of 5 ft to the required 10 ft side yard setback for Lot 37D, Alvarado Gardens Unit 2, located at 2701 Campbell RD NW, zoned R-A [Section 14-16-5-1(c)]

Special Exception No:..... **VA-2019-00106**
Project No: **Project# 2019-002254**
Hearing Date: 05-21-19
Closing of Public Record: 05-21-19
Date of Decision: 06-05-19

On the 21st day of May, 2019, property owners Greg and Theresa Natzke (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 5 ft to the required 10 ft side yard setback (“Application”) upon the real property located at 2701 Campbell RD NW (“Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 5 ft to the required 10 ft side yard setback.
2. The City of Albuquerque Integrated Development Ordinance, Section 14-16-6-6(N)(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 the IDO or the applicable zone district.*
 - (5) *The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.*”
3. The Applicant bears the burden of ensuring there is evidence in the record supporting a finding that the above criteria are met under Section 14-16-6-4(N)(1).
4. Greg Natzke, property owner appeared and gave evidence in support of the application.
5. A site plan was submitted in support of the Application.
6. All property owners within 100 feet of the subject property and the affected neighborhood association were notified.

7. Alvarado Gardens Neighborhood Association and Thomas Village neighborhood Association are the affected neighborhood associations.
8. An e-mail was sent to the affected NA's on February 26, 2019.
9. An e-mail from Diana Hunt, Interim President AGNA, dated March 28, 2019, indicating no opposition and "no meeting requested" was submitted in support of the request.
10. The subject property is currently zoned R-A
11. The subject property address is 2701 Campbell Road NW.
12. The subject property was created by combining 2 lots.
13. The subject property is currently vacant, and the proposed project is to construct a single family residence on the 2 lots.
14. The proposed design to the house is predominately a north south layout designed to maximize the open space along the east side of the subject property.
15. There is a 22 foot wide access and utility easement along the east side of the subject property.
16. No parking is allowed along Campbell Road, requiring a design which places the garage as far back from the front property line as possible.
17. Applicant would be required to build a 2 story structure if the requests were not granted, creating potential medical issues for Applicant and his wife due to their age.
18. This would create extraordinary hardships and practical difficulties for Applicant.
19. The request is only for a 27 foot length of the garage, as the remaining portion will be 9 feet 6 inches from the side property line.
20. An e-mail from Carol Bickelman, 2700 Campbell Rd. NW, dated May 16, 2019, an adjacent neighbor, was submitted in support of the request.
21. An e-mail from Julie Ross, 2725 Campbell Rd. NW, dated March 6, 2019, an adjacent neighbor, was submitted in support of the request.
22. No one appeared in opposition to the Application.
23. 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(N)(3)(a)(1).
24. The variance will not be contrary to the public safety, health and welfare of the community as required by Section 14-16-6-6(N)(3)(a)(2).
25. 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(N)(3)(a)(3).
26. 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(N)(3)(a)(4).
27. The variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties as required by Section 14-16-6-6(N)(3)(a)(5).
28. The proper "Notice of Hearing" signage was posted for the required time period as required by Section 14-16-6-4(K)(3).
29. The Applicant has authority to pursue this Application.

DECISION:

APPROVAL of a variance of 5 ft to the required 10 ft side yard setback.

APPEAL:

If you wish to appeal this decision, you must do so by June 20, 2019 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 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.



Stan Harada, Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File
Greg and Theresa Natzke, 2719 Calle Tranquillo NW, 87104