

PLANNING DEPARTMENT
DEVELOPMENT SERVICES DIVISION
600 2nd Street NW, Ground Floor, 87102
P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3946

OFFICIAL NOTIFICATION OF DECISION

Wilke LTD Company
2416 W Cerro Road
Artesia, NM 87122

Project# PR-2024-011129
Application#
VA-2024-00313 SIDEWALK WAIVER

LEGAL DESCRIPTION:

For all or a portion of:

LOT 018 TRACT 1, BLOCK 17, UNIT 3 zoned
PD, located at **9001 MODESTO AVE NE**
containing approximately **0.8864** acre(s).
(B-20)

On November 20th, 2024, the Development Hearing Officer (DHO) held a public meeting concerning the above referenced application and approved the request, based on the following Findings as determined by the DHO:

1. This is a request for a DHO Waiver from the requirement to construct sidewalk, and curb and gutter along Modesto Avenue NE, which is required per the IDO/DPM for the construction of a proposed single-family residential dwelling on the site in question at 9001 Modesto Avenue NE.
2. The DHO determined the review and decision criteria for a DHO Waiver were met per 6-6(P)(3)(a) of the IDO (the justification of the criteria are in italics):

6-6(P)(3)(a)(1)(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.

The DHO determined that there are pre-existing obstructions (including grades, water courses and natural topographic features as asserted by the applicant) that cannot be easily or economically relocated, and adding the sidewalk, curb and gutter to the subject property would alter the path runoff and drainage onto the east and west vacant properties, causing pooling and soil erosion at each end.

During the hearing, the agent for the application asserted that storm drains would have to be extended approximately 1,200 feet, asserting that it would be a financial burden on the subject property to extend them.

6-6(P)(3)(a)(1)(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 DHO determined that 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.

3. The Applicant provided the required notice as outlined in Table 6-1-1 of the IDO.

CONDITIONS

The Waiver is conditioned as follows:

- a. Per 6-6(P)(2)(e) of the IDO, any Waivers granted that are associated with a Site Plan shall be noted on the approved Site Plan.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **DECEMBER 18TH, 2024**. The date of the DHO's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-6-4(U) of the Integrated Development Ordinance (IDO). Appeals should be submitted via email to PLNDRS@CABQ.GOV (if files are less than 9MB in size). For files larger than 9 MB in size, please send an email to PLNDRS@cabq.gov and request that staff send you a link via Smartfile to upload the files to. A Non-Refundable filing fee will be calculated and you will receive instructions about paying the fee online.

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You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Applicants submitting for building permit prior to the completion of the appeal period do so at their own risk. Successful applicants are reminded that there may be other City regulations of the IDO that must be complied with, even after approval of the referenced application(s).

Sincerely,



[Brennon Williams \(Dec 4, 2024 16:53 MST\)](#)

Brennon Williams
Development Hearing Officer

BW/jr

Tierra West, LLC, 5571 Midway Park Pl. NE, Albuquerque, NM 87109







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Final Audit Report

2024-12-04

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