

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



## OFFICIAL NOTICE OF DECISION December 3, 2025

Meyer Barbara Baxter Trustee Meyer  
9335 Guadalupe Trl. NW  
Albuquerque, New Mexico 87114

**Project# PR-2025-011365**  
**Application#**  
**DHOWVR-2025-00031 DHO WAIVER**

### LEGAL DESCRIPTION:

For all or a portion of: **Lots/Tracts 249A3, 249A4, 249A5, 3, MRGCD MAP 31, BAXTER & MEHL SUBD** zoned **R-A**, located at **1610 BAYITA LN NW** containing approximately **1.1208** acre(s). **(F-13)**

On December 3, 2025, the Development Hearing Officer (DHO) held a public hearing concerning the above referenced application and approved the request based on the following Findings:

1. This is a request for a waiver from the IDO/DPM requirements to construct a sidewalk and landscape buffer requirement along 1610 Bayita Ln NW.
2. **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.

- b. The area or site has been recognized as having historical, archeological, and/or architectural significance by the City, State, or federal government, and a Waiver is needed and appropriate to maintain such historical, archeological, and/or architectural significance.
- 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.

***Bayita Lane is a private roadway with no sidewalks. It has been in this condition since 1948. The placement of sidewalks in conjunction with this plat would diminish the roadway width and create a hazard for vehicular traffic. In addition, a new sidewalk would not connect to any other pedestrian linkages. Bayita Lane is a dead-end private street that commences at the intersection with Guadalupe Trail NW. Sidewalks do not exist along Guadalupe Trail either. The placement of a five-foot-wide sidewalk and a landscape buffer between four and six feet wide will damage the neighborhood's existing rural character.***

- d. Varying from the normal requirements and standards will encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivision, in accordance with accepted principles of site planning.
2. The Waiver will not be materially contrary to the public safety, health, or welfare.

***The requested waiver is not materially contrary to public safety, health, or welfare, as the dead-end, unimproved private roadway has a speed limit of 25 miles per hour and serves sixteen homes. This subdivision was created prior to the adoption of zoning regulations within the City of Albuquerque in 1959. Residents have been able to walk within or adjacent to the private roadway easement without any hindrance from vehicular traffic, and the requested waiver directly supports the policies in the North Valley Area Plan.***

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

***The requested Waiver will not have a significant, material adverse impact on the surrounding properties as there are no sidewalks within this subdivision.***

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

***The requested Waiver will not impede future planning, public right-of-way acquisition, or the financing and construction of public infrastructure improvements.***

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.

***The requested sidewalk and landscape buffer Waivers will not conflict significantly with the goals and provisions in the IDO Section 5-3 Access and Connectivity because Bayita Lane roadway easement necessitates slower vehicular traffic and allows pedestrians access to all properties in the subdivision.***

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

***The subject property 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 requested Waiver will not materially undermine the intent of this IDO or the R-A zoning district and will help to preserve the neighborhood's existing rural character. This subdivision was created prior to the adoption of any zoning regulations in the City of Albuquerque. The developed land uses are consistent with the North Valley's rural character.***

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.

***The requested sidewalk Waiver will not contribute to the development of a lot or use not allowed within the R-A zoning 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 requested sidewalk Waiver is the minimum necessary to provide redress. The associated Plat will need to comply with all other provisions of the IDO.***

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 requested waiver is in an area of low-intensity land use, and the standard installation of sidewalks will negatively impact public welfare, and will not create a gap in the existing sidewalk system. This subdivision was developed before any zoning regulations were enacted in the City of Albuquerque. No sidewalks are present along Bayita Lane, which serves sixteen homes.***

3. Per Table 6-1-1 of the IDO, public notice requirements have been satisfied by the Applicant prior to this submittal.
4. Once the Development Hearing Officer (DHO) approves the sidewalk waiver, the approval documentation must be attached to the Site Plan sheet when it is submitted for the building permit.
5. Per Table 6-4-3 of the IDO, a Sidewalk Waiver expires within 1-year if not platted by the DHO.

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **JANUARY 5, 2026**. The date of the DHO's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> 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 electronically to [ABQ-PLAN](#) (*place mouse cursor over hyperlink, right-click, choose "open hyperlink"*). A Non-Refundable filing fee will be calculated by staff in the Development Review Services Division of the City of Albuquerque Planning Department and will be payable online at [ABQ-PLAN](#) (*place mouse cursor over hyperlink, right-click, choose "open hyperlink"*).

The appeal fee must be paid in full no later than 48 hours after the appeal deadline, or the appeal will be rejected as untimely. 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).

Official Notice of Decision

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Sincerely,

*Brennon Williams*

[Brennon Williams \(Dec 24, 2025 13:16:23 MST\)](#)

Brennon Williams

Development Hearing Officer

BW/jb/jr

Santos Martinez, Consensus Planning, 302 8<sup>th</sup> St. NW, Albuquerque, NM 87102







# PR-2025-011365\_December\_03\_2025\_Notice\_of\_Decision\_DHO

Final Audit Report

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