



## OFFICIAL NOTICE OF DECISION

April 8, 2026

Jesus F. Apodaca, Jr.  
508 Aspen Ave. NE  
Albuquerque, NM 87102

**Project #: PR-2026-000047**  
**Application #**  
**DHOWVR-2026-00007 DHO WAIVER**

### LEGAL DESCRIPTION:

For all or a portion of:

**Lot/Tract 33, MRGCD MAP 37 zoned R-1A, located at 508 ASPEN AVE NE** containing approximately **0.10526** acre(s). **(J-15, J-14)**

On April 8, 2026, 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 DHO Waiver to the sidewalk requirements for the property located at 508 Aspen Ave. NE.
2. The subject property is zoned R-1A (Residential). The subject property is within the CPO-7 Overlay zone and in an Area of Consistency. It is not located within any Center/Corridor areas.
3. Per Table 6-1-1 of the IDO, public notice requirements have been satisfied by the Applicant prior to this submittal.
4. Per Table 6-4-3 of the IDO, a Sidewalk Waiver expires within 1-year if not platted and/or expires with associated Site Plan if approved by the DHO.
5. The Applicant included justification details for the Waiver per 6-6(P)(3) of the IDO.
6. The Applicant justified the Waiver per 6-6(P)(3) of the IDO per the following:

6-6(P)(3)(a) General - An application for a Waiver – DHO shall be approved if it complies with all of the following criteria.

*This letter seeks to obtain a waiver to the requirement to completion of the road, curb and gutter, and sidewalk on 508 Aspen Ave NE. The existing road exists in an atypical section, containing an inverted crown and 4' wide estate curbs. The installation of curb and gutter and sidewalks is contrary to existing nature of road and drainage. Below is the relevant section in IDO, Section 14-16-6-6(P)(3):*

1. Any of the following criteria apply:

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 existing roadway is atypical. Directly upstream and downstream of site are walls, power poles, and buildings that will prohibit continuation of sidewalks, therefore connectivity and continuation of sidewalk cannot be construct on either side to continue pattern.*

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 existing roadway has 4' estate curbs with inverted crown. the Waiver will allow the existing road pattern to stay consistent.*

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

*The Waiver will not impact public safety.*

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

*The Waiver will not cause adverse impacts to surrounding properties.*

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

*The Waiver will not hinder future infrastructure since existing roadway is fully developed section.*

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 Waiver does not conflict and will allow existing fully developed conditions to remain.*

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

*The site is not in the 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 conflict with IDO overlay zones.*

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(N) (Deviations) and is granted by the DHO as part of this approval.

*Granting of the waiver will have no impact on development standards.*

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).

*This waiver is the minimum standard to redress the lack of room and continuity of sidewalks.*

10. If the request is 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.

*The area is low intensity and the entire block has no sidewalk nor room for sidewalk; waiver will not create gaps.*

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **APRIL 24, 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).

Sincerely,

*Brennon Williams*

[Brennon Williams \(Apr 20, 2026 14:10:39 MDT\)](#)

Brennon Williams

Development Hearing Officer

BW/rw/jr

Rio Grande Engineering, David & Luke Soule, 9916 Greene StNW, Albuquerque, NM 87107

Language Access Notice. We provide free interpretation services to help you communicate with us. If you need help, you can request interpretation at any service counter in our Department, located in the Plaza Del Sol building, 600 2nd Street NW, Albuquerque, NM 87102.

Notificación de Acceso Lingüístico. Ofrecemos servicios gratuitos de interpretación para ayudarlo a comunicarse con nosotros. Si necesita ayuda, puede solicitar servicios de interpretación en cualquier mostrador de servicio de nuestro Departamento, ubicado en el edificio Plaza Del Sol, 600 2nd Street NW, Albuquerque, NM 87102.

Saad Hadahwiis'a O'oolkaah bee dah na'astsooz. Nihi bik'inaasdzil t'aadoo baahilinigoo 'ata' hashne' tse'esgizii ach'i' dzaadi! Dzaadi! Danihi dahootahgoo bee nihi-. Daa' danihi bidin nishli dzaadi! Dzaadi! Danihi bineesh'a yinishkeed 'ata' hashne' -di t'aa biholnihgooo tse'esgizii ket'aaz -di nihihigii dah diikaah, -k'eh -di tsin Plaza Del Sol Kiniit'aagoo, 600 2nd Kiniit'aa NW, Albuquerque, NM 87102.

Thông báo về cách Tiếp cận Ngôn ngữ. Chúng tôi cung cấp các dịch vụ thông dịch miễn phí để giúp quý vị giao tiếp với chúng tôi. Nếu quý vị cần giúp đỡ, quý vị có thể yêu cầu thông dịch tại bất cứ quầy dịch vụ nào trong Sở của chúng tôi, tọa lạc tại tòa nhà Plaza Del Sol, 600 2nd Street NW, Albuquerque, NM 87102.

語言輔助通知。我們提供免費口譯服務，以幫助你與我們溝通。如果你需要幫助，你可以在我們部門的任何服務台請求口譯，服務台位於Plaza Del Sol大樓，600 2nd Street NW，阿爾伯克基，NM 87102。







# PR-2026-000047\_April\_8\_2026\_Notice\_of\_Decision\_DHO

Final Audit Report

2026-04-20

Created:	2026-04-20
By:	Jay Rodenbeck (jrodenbeck@cabq.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAIxQ0rJsJsx2-XeufN2Fn2WX7FZKT5tnc

## "PR-2026-000047\_April\_8\_2026\_Notice\_of\_Decision\_DHO" History

-  Document created by Jay Rodenbeck (jrodenbeck@cabq.gov)  
2026-04-20 - 4:08:21 PM GMT
-  Document emailed to brennonwilliams295@gmail.com for signature  
2026-04-20 - 4:08:25 PM GMT
-  Email viewed by brennonwilliams295@gmail.com  
2026-04-20 - 8:09:42 PM GMT
-  Signer brennonwilliams295@gmail.com entered name at signing as Brennon Williams  
2026-04-20 - 8:10:37 PM GMT
-  Document e-signed by Brennon Williams (brennonwilliams295@gmail.com)  
Signature Date: 2026-04-20 - 8:10:39 PM GMT - Time Source: server
-  Agreement completed.  
2026-04-20 - 8:10:39 PM GMT