

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

September 16, 2026

Jared Vander Dussen
821 Gabaldon Rd. NW
Albuquerque, NM 87104

Project# PR-2026-000124
Application#
DHOWVR-2026-00013 DHO WAIVER
DHOWVR-2026-00015 DHO WAIVER

LEGAL DESCRIPTION:

For all or a portion of:

**Lot/Tract TR 1 PLAT OF KELLY located at 821
Gabaldon Road NW, containing
approximately 4.07155 acres. (H-12)**

On September 16, 2026, the Development Hearing Officer (DHO) held a public hearing concerning the above referenced applications and approved the requests based on the following Findings:

1. These are requests for DHO Waivers to the Sidewalk, Curb and Gutter requirements within the City of Albuquerque for a parcel located at 821 Gabaldon RD NW, which is within Bernalillo County jurisdiction, and abuts City maintained roads and infrastructure.
2. A pre-application Sketch Plat was completed on July 22, 2026 per PA-2026-00241.
3. All public notice requirements of IDO Section 6, Table 6-1-1 were completed at time of submittal.
4. Per 6-6(P)(3) Review and Decision Criteria from the IDO, all the criteria have been met in accordance with the IDO, the DPM and other regulations for both waiver requests regarding the Sidewalk, Curb and Gutter.
5. Platting for this project will be processed through Bernalillo County. DHO waivers are subject to expiration if the final plat is not recorded within the required timeframe. Verifying these requirements with Bernalillo County early in the process will help ensure compliance.

6. DHOWVR-2026-00013 DHO Waiver to the required Sidewalk

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.
 - 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.

[This request satisfies Criteria 1(a), 1(c), and 1(d).

The frontage contains existing features that should not be unnecessarily disturbed, including an active irrigation acequia, mature trees, existing gate structures, overhead utilities, and established drainage features (see Figure 2)

Constructing a sidewalk along only this frontage would introduce an isolated urban improvement into an otherwise continuous rural roadway corridor of narrow pavement, dirt shoulders, agricultural features, mature vegetation, and large residential lots, without providing meaningful pedestrian connectivity.

The subdivision also consolidates seven homes behind a single private roadway with one access point onto Gabaldon Road, reducing curb cuts and preserving more of the existing roadway edge than conventional development.]

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

This waiver is not contrary to the safety, health or welfare of others.

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

Granting this waiver maintains consistency with the surrounding development pattern and does not adversely affect neighboring properties.

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 does not prevent the City from constructing future corridor improvements should they be programmed at a later date.

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.

This waiver does not conflict with any other ordinances or policies.

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

The requested waiver does not adversely affect drainage or floodplain function.

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

This waiver does not undermine the intent of the purpose of the IDO, zone district nor overlay zones.

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

The waiver complies with all applicable Development Standards.

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

The waiver requests relief only from the sidewalk requirement along approximately 163 linear feet of frontage on Gabaldon Road NW.

10. Any request for a Waiver to IDO sidewalk requirements shall comply with all of the following requirements.
- a. 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.
 - b. The City's right-of-way is insufficient in width to allow the construction of a sidewalk of standard dimension and placement, but there is sufficient right-of-way to meet minimum ADA or PROWAG guidance.
 - c. The adjoining sidewalks are non-standard as to width and/or location, and the Waiver would enable the new and existing sidewalks to match in width and/or location, or could create a smooth transition between areas of different width and/or character.

[10(a) The surrounding area consists of low-intensity residential and agricultural land uses. No sidewalk exists on either side of the property, and the absence of a sidewalk along this frontage does not create a gap in an existing pedestrian system.

10(b) Existing conditions along the frontage — including the acequia, mature trees, overhead utilities, existing gate structures, and established drainage features — make construction of a standard sidewalk impractical without substantial alteration of those existing features.

10(c) No adjoining sidewalks exist on either side of the property. Granting the requested waiver maintains consistency with the adjoining roadway conditions.]

7. DHOWVR-2026-00015 DHO Waiver to the required Curb and Gutter

DHOWVR-2026-00015 DHO Waiver to the required Curb and Gutter

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.
 - 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.

This request satisfies Criteria 1(a), 1(c), and 1(d).

The frontage contains a pre-existing irrigation acequia, mature trees, gate structures, overhead utilities, and established drainage features, while curb and gutter would alter the existing drainage pattern where no storm system exists to carry the resulting flow. Installing curb and gutter along only this frontage would create an isolated drainage improvement inconsistent with the continuous rural roadway corridor of narrow pavement, dirt shoulders, and open drainage.

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

This waiver is not contrary to the safety, health or welfare of others.

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

This waiver does not adversely impact 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 requested waiver does not prevent the City from constructing future corridor or drainage improvements should they be programmed at a later date.

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.

This waiver does not conflict with any other ordinances or policies.

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

The requested waiver does not adversely affect drainage or floodplain function.

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

This waiver does not undermine the intent of the purpose of the IDO, zone district nor 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 § 14-16-6-4(N) (Deviations) and is granted by the DHO as part of this approval.

The waiver complies with all applicable Development Standards.

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

The waiver requests relief only from the curb and gutter requirement along approximately 163 linear feet of frontage on Gabaldon Road NW and is the minimum necessary.

10. Any request for a Waiver to IDO sidewalk requirements shall comply with all of the following requirements.
- a. 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.
 - b. The City's right-of-way is insufficient in width to allow the construction of a sidewalk of standard dimension and placement, but there is sufficient right-of-way to meet minimum ADA or PROWAG guidance.
 - c. The adjoining sidewalks are non-standard as to width and/or location, and the Waiver would enable the new and existing sidewalks to match in width and/or location, or could create a smooth transition between areas of different width and/or character.

There is no public stormwater infrastructure along Gabaldon Road NW to receive drainage, and the subdivision retains stormwater on-site. Constructing curb and gutter along only this frontage would concentrate runoff without a system to convey it, resulting in discharge onto an unimproved dirt shoulder. Granting the waiver maintains the existing rural roadway character and is consistent with the surrounding development pattern along Gabaldon Road.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DFT's decision or by **OCTOBER 2, 2026**. The date of the DFT'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.

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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,
Development Hearing Officer

BW/AM/jr

Dave Aube, 2101 Mountain Rd. SW, Suite B, Albuquerque, NM 87106

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 biholniihgoo 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.

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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-2026-000124_September_16_2026_Notice_of Decision_DHO

Final Audit Report

2026-09-25

Created:	2026-09-25
By:	Jay Rodenbeck (jrodenbeck@cabq.gov)
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