

**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**

October 18, 2018

Chant Associates  
8355 2<sup>nd</sup> Street NW  
Los Ranchos de Albuquerque, NM 87114

**Project# PR-2018-001371**  
**Application# SD-2018-00048** (Preliminary/Final  
Plat)       **# VA-2018-00148** (Sidewalk  
Variance)

### **LEGAL DESCRIPTION:**

All or a portion of TRACT A-4, CHANT PROPERTY ADDITION, zoned NR-C, located at 14800 CENTRAL AVE SE, containing approximately 9.4 acre(s). (L-23)

On October 17, 2018, the Development Review Board (DRB) voted to APPROVE PR-2018-001371, SD-2018-00085, a Minor Preliminary/Final Plat, based on the following Findings:

1. This replat meets the requirements of the IDO and DPM .
2. The property is zoned NR-C which has no minimum lot size standards.

On October 17, 2018, the Development Review Board (DRB) voted to APPROVE PR-2018-001371, VA-2018-00148, a Minor Preliminary/Final Plat, based on the following Findings:

1. This request complies with all applicable standards of the IDO and the DPM.
2. 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 district and vicinity, including but not limited to size, shape, topography, location, surroundings, and physical characteristics, and such special circumstances were created either by natural forces or by government eminent domain actions 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.

*The site is already developed, there are changes in grade, existing infrastructure and no*

*adjacent sidewalks.*

3. 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 site frontage has already been developed along the Central Avenue. The front side of the property faces Central Avenue I NM 333 and has existing landscaping that extends from the property line into the right-of-way.*

4. Finding: 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.
5. Finding: 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.
6. Finding: The Variance will not be materially contrary to the public safety, health, or welfare.
7. The Variance does not cause significant material adverse impacts on surrounding properties.

*NMDOT currently owns the right-of-way for this segment of Central Avenue I NM 333. The Department has stated that it will not require sidewalks in this area. No additional right-of-way is needed at this location.*

8. The Variance will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements.
9. The Variance 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.
10. The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.

*Because this is a developed site, with existing landscaping, parking areas, and other improvements, the installation of new sidewalks would create a practical difficulty that would require the reconfiguration of existing site improvements at great expense. As stated above, the right-of-way for this segment of Central Avenue I NM 333 is owned and maintained by NMDOT. The Department has stated that sidewalks are not required for the plat.*

*The proposed plat for the subject property does not involve the construction or expansion of any buildings. The requested variance is only for the small amount of frontage and is the minimum necessary to avoid hardship or unnecessary construction.*

11. A request for a Variance to sidewalk requirements, shall be approved if it meets all of the applicable criteria in Subsection (a) above and all of the following criteria:
  - 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 or area.

*There are no sidewalks adjacent to the property. There are significant grade changes along the property and the adjacent sites, additional there are existing highway guardrails.*

b. The City's right-of-way is insufficient in width to permit the construction of a sidewalk of standard dimension and placement, but there is sufficient right-of-way to meet minimum ADA or PROWAG guidance.

*The variance is based on the surrounding area and character of the roadway. Pedestrian activity in the roadway may not be desirable due to the character of the roadway.*

c. The adjoining sidewalks are non-standard as to width and/or location, and the Variance 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 are no sidewalks adjacent to the site.*

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the DRB's decision or by

**NOVEMBER 1, 2018.** The date of the DRB'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). A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed.

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,



Kym Dicome  
DRB Chair

KD/mg

Consensus Planning