

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 26, 2018

Jack Baillo
11017 Greenview NE
ABQ, NM 87111

Project# PR-2018-001477
Application# VA-2018-00153 (Variance)

LEGAL DESCRIPTION:

for all or a portion of TRACT A-2, BEL AIR SHOPPING CENTER, zoned MX-M, located at 5301 MENAUL BLVD NE east of SAN MATEO BLVD NE, containing approximately 2.9993 acre(s). (H-18)

On October 24, 2018, the Development Review Board (DRB) held a Public Hearing concerning the above referenced application and approved the request, based on the following Findings:

1. This is a request to the DPM which requires a 25 foot radius at road intersections. In this case it is the intersection of Madeira Drive and Phoenix Avenue.
2. This request complies with all applicable standards of the IDO and the DPM.
3. 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 developed and there are existing developments on either side of the site.
4. 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 is developed and is in an existing developed area. It is not possible to acquire additional Right-of-way because the roadway is already built out.

5. 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. 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.
The impact will be primarily to the applicant's property.
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 the buildings are existing, the variance is the minimum that will be sufficient.
11. The applicant notified the Quigley Park Neighborhood Association and offered to meet. The applicant did not receive a response from the Neighborhood Association ; the applicant sent the second required e-mail notifying the Neighborhoods that the application would be submitted.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DRB's decision or by **NOVEMBER 8, 2018**. The date of the DRB'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). 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

Official Notice of Decision

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of the IDO that must be complied with, even after approval of the referenced application(s).

Sincerely,



Kym Dicome
DRB Chair

KD/mg

Robert Romero DAC r.lromero505@gmail.com