

**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

April 19, 2019

Beverly Donnellan
9339 Del Webb LN NW
Albuquerque, NM 87120

Project# PR-2018-002079
VA-2019-00010 DPM Variance for Sidewalk
SD-2019-00074 Preliminary and Final Plat

LEGAL DESCRIPTION:

For all or a portion of LOT 10 and PORTIONS of LOTS 9 and 11 BLOCK 18, PARKLAND HILLS ADDITION, zoned R-1D, located at 629 SIERRA DR SE, containing approximately 0.386 acre(s). (L-17)

On April 17, 2019 the Development Review Board (DRB) held a meeting concerning the above referenced application and approved the request, with delegation to Planning to address minor as stated in the comments and discussed at the hearing based on the following Findings:

VA-2019-00010 DPM Variance for Sidewalk

This request meets the requirements of 14-16-6-6 (L)(3):

1.
 - a. The property is on existing street with development on both sides; there is an existing sidewalk that is 3 feet 5 inches wide. The lot was originally subdivided in 1948, prior to the existing development regulations. The lot also has an irregular triangular shape; The variance allows the applicant to keep the existing wall, pool deck and the existing sidewalk.
 - b. The area is already developed. Relocating the existing development would expensive and difficult.
 - c. NA
 - d. The existing street is already developed with there is no reasonable way for the applicant to provide the required ROW. The street is low traffic street and ends in residential.
 - e. The variance allows this property and the existing street section to remain. Altering the street section would be inconsistent with the rest of the subdivision
2. The variance will not be materially contrary to the public safety , health or welfare because preserving the existing street section will be consistent with the existing development. A portion of the wall will be modified to meet Clear Sight Requirements.
3. The variance does not significant material adverse impacts on the surrounding properties

because leaving the street section as it is will match the existing street development.

4. The Variance will not hinder future planning, public right-of way acquisition, or the financing or building of public infrastructure improvements because the street section is existing.
5. The request is consistent with the goals and provisions of the City and applicable plans and policies.
6. The development is not within the flood plain
7. The variance does not undermine the intent and purpose of the IDO and applicable zone district. It allows the existing neighborhood street section to remain.
8. The request removes interior lot lines to create a single parcel that is developed as one residence.
9. The variance only allows the existing street section to remain. The applicant is not asking for any additional width.
10.
 - 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. The existing sidewalk will remain and provide access and connections.
 - 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.
 - c. The adjoining sidewalks are non-standard as to width and/or location, and the Variance enables existing sidewalks to match in width.

SD-2019-00074 Preliminary and Final Plat

1. This is a Preliminary and Final Plat to remove the interior lot lines from Lot 10-A, a portion of lot 9 and portion of lot 11, to create one .386 acre tract with an existing residence.
2. The request is heard concurrently with a variance to sidewalk and Right of Way width.
3. The request meets the minimum lot size requirement for the R-1D zone and meets the contextual standards in 14-16-5-1(C)(2)(a)(1)(b).

Conditions:

1. Final sign off is delegated to Planning to check for DFX file and utility signatures, Vacation number on plat as well as either a revocable permit with insurance for the existing fence currently located in the Right of Way or proof that the fence has been removed.
2. The applicant will obtain final sign off from Planning by **MAY 15, 2019** or the case may be scheduled for the next DRB hearing and could be denied per the DRB Rules of Procedure.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DRB's decision or by **MAY 2, 2019**. 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

Official Notice of Decision

Project # PR-2019-002079 VA -2019-00101, SD-2019-00074

April 19, 2019

Page 3 of 3

the appeal.

For more information regarding the appeal process, please refer to Section 14-16-6-4(U) of the 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

DAC Enterprises Inc. 1521 Edith Blvd NE Albq NM 87120-7410

Wayjohn Surveying 1609 2nd Street NW Albq NM 87108