

PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTICE OF DECISION

September 18, 2025

Manuel Chacon
5525 Broadway Blvd. SE
Albuquerque, NM 87105

Project # VA-2025-00114
Variance – EPC

LEGAL DESCRIPTION:

Jireh Construction, agent for Manuel Chacon requests a Variance – EPC, to the IDO height standards in the VPO-2 for all or a portion of Tract 12 Block 10 of Volcano Cliffs Subdivision Unit 22, located at 6304 Petirrojo Rd NW between Vista del Prado NW and Urraca St. NW, approximately 0.4 acres.
(D-10)
Staff Planner: William Steele

On September 18, 2025, the Environmental Planning Commission (EPC) voted to APPROVE Plan # VA-2025-00114, a Variance – EPC, based on the following Findings and subject to the following Conditions of Approval.

FINDINGS – Plan #VA-2025-00114 – Variance – EPC

1. The request is for a variance to the 15-foot structure height limit in the Height Restriction Sub-Area of the Northwest Mesa Escarpment – VPO-2 (VPO-2). The variance would facilitate the development of a future single-family residential dwelling unit located at 6304 Petirrojo Rd NW (the “subject site”) legally described as all or a portion of Tract 12 Block 10 of Volcano Cliffs Subdivision Unit 2, between Vista Del Prado NW and Urraca St. NW, containing approximately 0.4 acres.
2. The subject site is within the Volcano Cliffs area and the VPO-2 Height Restrictions sub-area. Pursuant to IDO §14-16-3-6(E)(2), the purpose of this VPO is to protect views looking to and from the Petroglyph National Monument. One way in which these views are protected is by limiting building height. A building and/or structure height is not allowed to exceed 15 feet, as measured from natural grade [IDO §14-16- 3-6(E)(4)(a)].
3. The applicant is requesting a height variance of 3 feet 9 inches for an average height between the plate and the ridge of a gable roof of 15 feet, with a highest point measuring 18 feet 9 inches from natural grade.
4. This Variance – EPC request is to vary standards in IDO §14-16-3-6(E)(3) (Building and Structure Height) of the Northwest Mesa Escarpment – VPO-2 to allow up to 19 feet above finished grade where grading requirements necessitate a minimum amount of fill for proper drainage [IDO §14-16-6-6(N)].

5. The Environmental Planning Commission (EPC) is the decision-making body for a variance to the 15-foot structure height limit in the Height Restriction Sub-Area of the Northwest Mesa Escarpment – VPO-2 pursuant to IDO §14-16-6-6(N). This request is quasi-judicial.
6. If approved by the EPC, the associated Site Plan – Administrative will be reviewed and decided by Planning staff, and the variance will be noted on the drawings.
7. The subject site is zoned R1-D (Residential – Residential, Single-Family-Extra Large Lot-Zone District), a zoning designation received upon adoption of IDO in May 2018. The subject site was formerly zoned SU-2 for Volcano Cliffs Large Lot.
8. The Comprehensive Plan, the Integrated Development Ordinance (IDO), and the Federal telecommunications Act are incorporated herein by reference and made part of the record for all purposes.
9. The 2017 Albuquerque/Bernalillo County Comprehensive Plan contains overarching Guiding Principles, Goals, and Policies that embody a vision for development and service provision in the City and County. Although the review and decision criteria for a Variance-EPC does not require the application to be analyzed for consistency with the Comprehensive Plan, Staff has provided a brief analysis. The analysis of the height variance requires staff to determine if the proposed site plan/variance is consistent with the Integrated Development Ordinance (IDO) regulations for a View Protection Overlay zone.
10. The request is consistent with the following Goal related to Character from Comprehensive Plan Chapter 4: Community Identity.

GOAL 4.1 CHARACTER: Enhance, protect, and preserve distinct communities.

The subject site is located within an Area of Consistency, CPO-13 Volcano Mesa Character Protection Overlay zone, and VPO-2 Northwest Mesa Escarpment. These protections all ensure that this home would be built in a way that protects the surrounding properties and general neighborhood. The subject site maintains the general requirements in both CPO-13, and VPO-2. The proposed development is in line with the character and will enhance, protect, and preserve the surrounding community. The analysis of the impact on the views below indicates that the surrounding public views to and from the escarpment will be maintained.

11. The request is consistent with the following Policy related to Areas of Consistency from Comprehensive Plan Chapter 5: Land Use

POLICY 5.6.3 AREAS OF CONSISTENCY: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers of Corridors, parks, and Major Public Open Space.

The proposed building would protect and enhance the character of the surrounding single-family neighborhood and would be consistent adjacent homes. The key assets of this neighborhood including the protected views to and from the escarpment would be maintained. The analysis of the views later in this report demonstrates that the requested addition in height would maintain these views and cause no more of an impact than the allotted 15-foot height.

12. The request is consistent with the following Policy related to Community Character from Comprehensive Plan Chapter 7: Urban Design.

POLICY 7.3.2 COMMUNITY CHARACTER: Encourage design strategies that recognize and embrace the character differences that give communities their distinct identities and make them safe and attractive places.

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A key asset of this neighborhood are the protected views to and from the escarpment. The analysis of the view impact below indicates that the requested addition in height will maintain these views and cause no more of an impact the allotted 15-foot height.

13. The subject site is located on the Northwest Mesa Escarpment in an area protected by Volcano Mesa Character Protection Overlay zone (CPO-13) [IDO §14-16-3-4(N)] and Northwest Mesa Escarpment View Protection Overlay zone (VPO-2) [IDO §14-16-3-6(E)(2)].
14. The subject site is located in an Area of Consistency and the Northwest Mesa CPA.
15. The variance request has been justified pursuant to IDO 14-16-3-6(E)(4) Building and Structure Height in VPO-2 Height Restrictions Sub-area, IDO §14-16-6-6(N)(3) Review and Decision Criteria, and IDO§14-16-6-6(N)(3)(c) Northwest Mesa Escarpment – VPO-2.
16. IDO §14-16-3-6(E)(4) Building and Structure Height in VPO-2 Height Restrictions Sub-Area Standards
 - A. 3-6(E)(4)(a) Building and/or structure height shall not exceed 15 feet, as measured from natural grade.
 1. The proposed building height of 15’-0” from the natural grade of the subject site would reach 5333.24.
 2. The proposed building height from the proposed at finished grade with a 15’-0” structure is 5354.67.

The requested building would exceed 15 feet as measured from natural grade and would not meet the Building Height in VPO-2 Height Restriction Sub-Area Standards. Therefore, a variance is required for the proposed building to exceed the building height standards as required by IDO §14-16-6-6(N).

- B. 3-6(E)(4)(b) For properties with undulating terrain that would require fill as part of site grading, the resulting building shall not be taller than the tallest building on any abutting lot located within the Height Restriction sub-area and shall not block views to or from the escarpment, as shown in a view analysis.

The subject site is between two existing (residential dwelling units. The tallest adjacent building is 15 feet tall and located to the right (southwest) of the subject site and measures to a final elevation of approximately 5,356.0 feet. The building located adjacent and to the northeast of the subject site is 15 feet tall and measures to a final elevation of approximately 5,353.0 feet.

The proposed height of the residential building on the subject site of 15 feet would measure at an elevation of 5354.67 feet with the highest point proposed at 18 feet 9 inches (18.75 feet) tall for a final height measurement at an elevation of 5341.99 feet. The proposed dwelling will sit 2 feet 8 inches (2.67 feet) below the tallest (elevation of 5356.0 feet) and adjacent building to its right (southeast). (See “Elevation Views” in Attachments section, Variance/Site Plan.)

- C. 3-6(E)(4)(c) Additional height may be requested through a Variance – EPC pursuant to Subsection 14-16-6-6(N).
 1. No building or structure shall exceed 19 feet in height from the finished grade, inclusive of any Variance granted.

The proposed dwelling will measure 18 feet 9 inches (18.75’) tall from finished grade. The structure would not exceed 19 feet in height from the finished grade.

2. When a Variance is requested for building or structure height, the visual impact of additional height on views to and from the escarpment shall be minimized through at least 1 of the following techniques.

The applicants indicate that they are minimizing the visual impact of the additional height to and from the escarpment through a View Corridor technique IDO 3-6(E)(4)(c)(2)(b). The intent is to preserve the maximum amount of unobstructed lateral views to the base of the escarpment. If the site is located above the escarpment, the views will be to the top of the escarpment. (See analysis of Subsection 6-6(N)(2)(g)(3) and the View Plane Analysis for the subject site on sheet 3 in Attachments, section Variance/Site Plan.)

- D. 3-6(E)(5) Colors: The exterior surfaces of structures, including but not limited to mechanical devices, roof vents, and screening materials, shall be colors with light reflective value (LRV) ranging from 20 percent to 50 percent. This middle range of reflectance is intended to avoid very light and very dark colors.

1. 3-6(E)(5)(a) Colors include the yellow ochers, browns, dull reds, and grey greens existing on the Northwest Mesa and escarpment, exclusive of the basalt.

The colors of the exterior surface of the building will consist of a light reflective value ranging from 20 to 50 percent.

2. 3-6(E)(5)(b) Trim materials on façades constituting less than 20 percent of the façade's opaque surface may be any color.

The color of the trim material on the building will be less than 20 percent of the façade's surface.

- E. 3-6(E)(6) Reflectivity: Reflective or mirrored glass is prohibited.

The proposed building will not consist of reflective or mirror glass.

- F. 3-6(E)(7) Roof-mounted Equipment: No exposed roof-mounted heating, ventilation, and air conditioning equipment shall be allowed. Any such equipment shall be fully screened from view from the nearest public streets and from the escarpment.

The proposed building will not consist of any exposed roof-mounted heating, ventilation, and air conditioning equipment.

17. IDO §14-16-6-6(N)(3) Review and Decision Criteria 6-6(N)(3)(a) General

An application for a Variance – EPC shall be approved if it meets all of the following criteria.

1. There are special circumstances applicable to a single lot 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, physical characteristics, natural forces, or by government actions for which no compensation was paid. Such special circumstances of the lot either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or economic return on the property, or practical difficulties result from strict compliance with the minimum standards.

The special circumstances applicable to the subject site involve the topography, location, surroundings and physical characteristic. The subject site's natural grade is approximately 3 to 4 feet lower than its two adjacent lots. Before construction, the lot to left (south) of the subject site natural grade was approximately on average at 5,324 feet and the finished floor of the building constructed on the site is now at 5,327 feet and required approximately 3 to 4 feet of fill per its approved grading and drainage plan. Despite this site requiring a similar amount

of fill to raise their elevation as is the case the subject site, a Variance-EPC was not required because its construction in 2016 was before the update to IDO in 2019.

The location of the subject site between two adjacent higher lots creates an extraordinary hardship because it substantially and unsuitably limits the reasonable use and economic return of the property. The city's Hydrology division has approved a grading and drainage plan that involves bringing fill onto the site to improve its conditions, including the prevention of potential flooding or negative impact on the surrounding parcels. Though the homeowner could build an approximately 12- or 13-foot building above natural grade and it would create practical difficulties as a result from strict compliance with the minimum standards because its physical characteristics, would be entirely different in scale and size when compared to the surrounding buildings in the neighborhood.

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

The requested variance will not be materially contrary to the public safety, health, or welfare because the total height from the finished floor will be lower than the adjacent building. The Hydrology division has approved grading and drainage plans that will enable the subject site to be developed and retain any water runoff on site thus preventing it from flooding neighboring properties. The requested variance does not impeded views of the escarpment when looking up at the escarpment from Stag Horn Dr NW towards the direction of the subject site.

3. The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.

The variance does not cause significant material adverse impacts on the surrounding properties or infrastructure improvements in the vicinity because the proposed building will resemble the other houses in the neighborhood. The financial investment in the construction of the building will more than likely contribute to the increased property value of the neighboring homes.

The proposed variance will enable the proposed building to connect to the existing adjacent infrastructure such as water, electric and sewer. Transportation infrastructure such as the adjacent public sidewalks, curbs, gutters, and local street will not be adversely impacted but will be utilized by future residents of the proposed dwelling unit. The future dwelling unit would require modifications to sidewalks, curbs, and gutters, especially for a new driveway which are required for any new build with such existing infrastructure. The applicant will work with the City of Albuquerque to ensure any infrastructure development requirements and municipal codes are met. These regulations are in place to ensure proper drainage, public safety, and accessibility.

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

The requested height variance of 3 feet 9 inches will not materially undermine the intent and purpose of the IDO. The variance request would result in a maximum building height of 18 feet 9 inches which aligns with IDO 3-6-6(E)(4)(c) which allows additional height requested through a Variance – EPC. In particular, that no building or structure shall exceed 19 feet in height from the finished grade, inclusive of any Variance granted. The requested variance meets the height requirement for a variance in an R-1D zone district and Volcano Mesa – CPO-13. Pursuant to 3-4(N)(4) building height standards in the CPO-13 apply only outside of the area specified in Subsection 14-16-3-6(E)(2) as the Northwest Mesa Escarpment – VPO-2 Height Restrictions Sub-area.

5. The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.

The variance approved is the minimum necessary to build on the subject site to avoid extraordinary hardship and practical difficulties. The Hydrology division has approved grading and drainage plans which position the finished floor grade approximately 3 to 4 feet thereby limiting the total height of the building on the subject site. The variance avoids extraordinary hardships such as appraisal challenges when compared to taller homes adjacent to it. The neighborhood appearance and uniformity could be compromised by having a significantly shorter home in the neighborhood. The variance would result in the proposed building to remain below the 19' foot maximum allowed for a height variance request in the Northwest Mesa Escarpment - VPO-2 sub-area.

18. IDO 14-16-6-6(N)(3)(c) Northwest Mesa Escarpment – VPO-2

An application for a Variance from the 15-foot structure height limit in the Height Restriction Sub-area in Subsection 14-16-3- 6(E)(3) (Northwest Mesa Escarpment – VPO-2) shall be approved if it meets the criteria in Subsection (a) above and all of the following criteria.

1. Hardship - The intent of the view regulations in Section 14-16-3-6(E) (Northwest Mesa Escarpment – VPO-2) must be met. The burden is on the applicant to demonstrate that strict adherence to VPO-2 building height regulations would render the lot undevelopable because of physical and/or engineering constraints (e.g., rock outcroppings, street grades, drainage requirements, ADA compliance, utility design, etc.).

Strict adherence to the height regulations would prevent the building from being developed because of the approved grading and drainage plan from Hydrology requires 3 feet 9 inches of additional fill be brought onto the subject site. Without bringing in fill to raise the elevation of the site, any building constructed could flood, have water damage or structural damage to the foundation.

2. Visual Impact - The impact of the proposed development on views to and from the escarpment will be the same as, or less than, the impact if the 15-foot height limit were met.

The impact of the views to and from the escarpment will be the same or less than, the impact if the 15-foot height limit were met on the proposed development. The variance request for 3 feet 9 inches would not negatively hinder the visual impact of the escarpment. The proposed height limit would be lower than the existing height of the building to its east. The proposed building would not impact views to the escarpment and would not be seen from the bottom of the escarpment on Stag Horn Dr NW looking up in the direction of the proposed building. The purpose of the VPO-2 regulations is to protect views looking to and from the Petroglyph National Monument.

The applicants indicate that they are minimizing the visual impact of the additional height to and from the escarpment through a View Corridor technique IDO §14-16-3-6(E)(4)(c)(2)(b). The intent is to preserve the maximum amount of unobstructed lateral views to the base of the escarpment. If the site is located above the escarpment, the views will be to the top of the escarpment. See analysis of IDO §14-16-6-6(N)(2)(g)(3) and the View Plane Analysis for the subject site.

19. The applicant notified the following Neighborhood Associations within 660-feet of the subject site: Taylor Ranch Neighborhood Association and the Westside Coalition of Neighborhood Associations, and property owners within 100-feet of the subject site as required.

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20. At the time of this writing, staff has not received any comments supporting or opposing the variance request.
21. Staff has crafted conditions of approval needed to improve compliance with applicable IDO standards and provide clarity for the future.

CONDITIONS OF APPROVAL – Plan #: VA-2025-00114 – Variance – EPC

1. Pursuant to IDO §14-16-6-4(O)(4), any Conditions of Approval shall be met within 1 year of the approval, unless stated otherwise in the approval. If any conditions are not met within that time, the approval is void. The Planning Director may extend the time limit up to an additional 1 year.
2. The Applicant shall coordinate with the Staff Planner to ensure that all Conditions of Approval are met prior to submitting the residential development for Site Plan-Administrative Review.
3. After coordinating with the Staff Planner, the applicant shall submit the final version of the Site Plan to the Development Facilitation Team (DFT) with the application for a Site Plan-Administrative review of the residential development. Pursuant to IDO §14-16-6-6(I)(2)(m), Site Plans shall be reviewed administratively for compliance with Conditions of Approval, the DPM, and zoning standards prior to the issuance of a building permit. The reviewer shall ensure that all EPC Conditions have been satisfied and that the IDO, DPM, and all other applicable City requirements have been met.
4. The associated Site Plan – Administrative will be reviewed and decided by Planning staff, and the variance shall be noted on the drawings.
5. The approved variance request shall state on the drawings, “On September 18, 2025 the EPC reviewed and approved the height variance request of 3 feet 9 inches for an average height between the plate and the ridge of a gable roof of 15 feet, with a highest point measuring 18 feet 9 inches from natural grade.”
6. Sheet “Elevation Views” shall change from sheet 3 to sheet 2.
7. Elevation D/2 View Looking NW from Vista Del Prado note “Height at Adjacent Prop =5335.0” pointing to the adjacent building on the left shall be corrected to “5356.0” to match the elevation on C/2 View Looking SE from Petirrojo.
8. The street name on the drawings shall be changed from “Pettirojo” to “Petirrojo.”
9. The Variance for the subject site shall comply with the General Regulations and Standards of the IDO, including all other applicable design regulations, except as specifically approved by the EPC.

APPEAL

If you wish to appeal, you must do so within 15 days of the EPC’s decision or by **October 3, 2025**. The date of the EPC’s decision is not included in this 15-day period. If the 15th day falls on a Saturday, Sunday, or Holiday, the next working day is considered the deadline for filing an appeal.

For more information regarding the appeal process, please refer to the Integrated Development Ordinance (IDO), §14-16-6-4(U) (Appeals). The IDO is available online here: <https://www.cabq.gov/ido>. A non-refundable fee is required to be paid when the appeal is filed. It is not possible to appeal EPC recommendations to the City Council, because a recommendation is not a final decision.

You will receive notification if anyone files an appeal. If the decision is not appealed, you can receive building permits any time after the appeal deadline, provided all conditions of approval associated with the decision and all other applicable regulations have been met.

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Sincerely,

Megan Jones

for Alan Varela
Planning Director

AV/ MJ/WS

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