On the 16th day of April, 2019, property owner James Tafoya (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of .3477 acres to allow a lot larger than the allowable contextual standards (“Application”) upon the real property located at 6604 Petirrojo Rd NW (“Subject Property”). Below are the ZHE’s findings of fact and decision:

**FINDINGS:**

1. Applicant is requesting a variance of .3477 acres to allow a lot larger than the allowable contextual standards.

2. The City of Albuquerque Integrated Development Ordinance, Section 14-16-6-6(N)(3)(a) (Variance-Review and Decision Criteria) reads: “… an application for a Variance-ZHE shall be approved if it meets all of the following criteria:

   (1) 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 and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action 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.

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

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

   (4) The Variance will not materially undermine the intent and purpose of the IDO or the applicable zone district.

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

3. The Applicant bears the burden of ensuring there is evidence in the record supporting a finding that the above criteria are met under Section 14-16-6-4(N)(1).

4. Jim Strozier of Consensus Planning, agent for James Tafoya, property owner appeared and gave evidence in support of the application.
5. The subject address is 6604 Petroglyph Rd NW.
6. The subject property is currently zoned R-1D.
7. The subject site consists of lots 1 and 2, Block 11, Volcano Cliffs Subdivision Unit 18.
8. The subject property is located at the corner of Petirrojo Road NW and Aguila Street NW.
9. The subject property is in an Area of Consistency as designated by the ABC Comp. Plan.
10. Contextual Standards for Residential Development from the IDO apply.
11. The Applicant is requesting a Variance of 0.3477 acres to the maximum lot size allowed by the contextual standards of 0.4017 acres to combine the 2 lots.
12. The single lot would be 0.7494 acres in size.
13. Applicant will construct a custom single family residence on the combined lots.
14. There are several other lots and homes in the area that have built on similar combined lots ranging from 0.6197 to 1.115 acres in size.
15. All property owners within 100 feet of the subject property and the affected neighborhood association were notified.
16. Taylor Ranch Neighborhood Association is the affected neighborhood association.
17. An e-mail from Ruth Horvath, TRNA, dated February 23, 2019, indicating the TRNA has “no objection to the request was submitted in support of the Application.
18. No one appeared in opposition to the request.
19. 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 and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid, as required by Section 14-16-6-6(N)(3)(a)(1).
20. The variance will not be contrary to the public safety, health and welfare of the community as required by Section 14-16-6-6(N)(3)(a)(2).
21. The variance will not cause significant adverse material impacts on surrounding properties or infrastructure improvements in the vicinity as required by Section 14-16-6-6(N)(3)(a)(3).
22. The variance will not materially undermine the intent and purpose of the IDO or applicable zone district as required by Section 14-16-6-6(N)(3)(a)(4).
23. The variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties as required by Section 14-16-6-6(N)(3)(a)(5).
24. The proper “Notice of Hearing” signage was posted for the required time period as required by Section 14-16-6-4(K)(3).
25. The Applicant has authority to pursue this Application.

DECISION:

APPROVAL of a variance of .3477 acres to allow a lot larger than the allowable contextual standards.

APPEAL:

If you wish to appeal this decision, you must do so by May 16, 2019 pursuant to Section 14-16-6-4(U), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.
Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for any related building permit or occupation tax number. Approval of a conditional use or a variance application is void after one year from date of approval if the rights and privileges are granted, thereby have not been executed or utilized.

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Stan Harada, Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File
James Tafoya, 2216 Rosendo Garcia RD SW, 87105
Consensus Planning, 302 8th ST NW, 87102