



CITY OF ALBUQUERQUE  
OFFICE OF ADMINISTRATIVE HEARINGS  
ZONING HEARING EXAMINER  
NOTIFICATION OF DECISION

Brittany Love (Agent, Teresa King) requests a variance of 5 feet to the required 10 foot front yard setback for Lot 266-A, MRGCD Map 38, located at 2311 Hollywood Ave NW, zoned R-1A [Section 14-16-2-3(B)]

Special Exception No:..... **VA-2021-00054**  
Project No: ..... **Project#2021-005169**  
Hearing Date: ..... 10-19-21  
Closing of Public Record: ..... 10-19-21  
Date of Decision: ..... 11-03-21

On the 19th day of October, 2021, Teresa King, agent for property owner, Brittany Love (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 5 feet to the required 10-foot front yard setback (“Application”) upon the real property located at 2311 Hollywood Ave NW (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 5 feet to the required 10 foot front yard setback.
2. This matter came before the ZHE on remand from the Albuquerque City Council Notice of Decision on AC-21-10, dated August 3, 2021 (the “Remand Decision”).
3. The Remand decision directs the ZHE to:
  - a. Evaluate and make a finding as to whether or not the special circumstance proposed as justifying the variance applies generally to the other property in the same zone district and vicinity;
  - b. Require that a site plan be submitted as part of the request that depicts or identifies the proposed structure and its dimensions, setbacks, and building height; and
  - c. Evaluate the applicability or effect of the contextual standards of the IDO found in Section 14-16-5-1-C(2)(c)
4. Applicant and the public should be allowed the opportunity to present additional evidence focusing on these three directives.

DECISION:

DEFERRAL of the Application to the ZHE hearing on November 16, 2021, beginning at 9:00 a.m.

APPEAL:

If you wish to appeal this decision, you must do so by November 18, 2021 pursuant to Section 14-16-6-4(V), 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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Robert Lucero, Esq.  
Zoning Hearing Examiner

Cc:

ZHE File  
Zoning Enforcement  
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