



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

Eric Meyer requests a variance of 12 feet to the allowed 11 foot maximum residential building height for Lot 22, Block 41, Perea Addition, located at 705 14th St NW, zoned R-1A [Section 14-16-5-10(C)]

Special Exception No: **VA-2023-00114**
Project No: **Project#2023-008591**
Hearing Date: 06-20-23
Closing of Public Record: 06-20-23
Date of Decision: 07-05-23

On the 20th day of June, 2023, property owner Eric Meyer (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 12 feet to the allowed 11 foot maximum residential building height (“Application”) upon the real property located at 705 14th St NW (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 12 feet to the allowed 11 foot maximum residential building height.
2. Applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO Section 14-16-6-4(E)(3).
3. Applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO Section 14-16-6-4(E)(4).
4. Applicant established that the proper “Notice of Hearing” signage was posted for the required time period.
5. Applicant established that all property owners and neighborhood association entitled to notice were notified of the Application.
6. The subject property is currently zoned R-1A.
7. The Applicant has authority to pursue this Application.
8. 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.”

9. Applicant appeared at the ZHE hearing on this matter and gave evidence in support of the Application.
10. A community member expressed support for this project and stated that proposal would be in line with surrounding properties and the neighborhood community.
11. Applicant has met the burden of providing evidence that the Subject Property has special circumstances. The lot is uniquely narrow compared to properties in the same zone and vicinity, making development without the requested variance impracticable.
12. Applicant has met the burden of providing evidence that the proposal will not be contrary to public safety, health and welfare of the community. The project is architecturally consistent with the neighborhood and sensitive to the solar rights of neighboring properties.
13. Applicant has met the burden of providing evidence that the proposal would not cause adverse impacts on surrounding properties. The proposal would remove an unoccupied property and replace it with a quality home that would increase the neighborhood property value. Applicant stated that the proposal would not interfere with solar access for the northern property.
14. Applicant has met the burden of providing evidence that the proposal will result in a single-family dwelling consistent with the purpose of the zoning district and will not undermine the intent and purpose of the IDO.
15. Applicant provides evidence that the proposal balances the applicant’s wish to create a new home within the narrow lot and the sunlight available to the northern adjacent lot.
16. The City Traffic Engineer submitted a report stating no objection to the Application.

DECISION:

APPROVAL of a variance of 12 feet to the allowed 11 foot maximum residential building height.

APPEAL:

If you wish to appeal this decision, you must do so by July 20, 2023 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.



Robert Lucero, Esq.
Zoning Hearing Examiner

cc:

ZHE File
Zoning Enforcement
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