



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

Joseph Grady and Lauri Grady request a variance of 15 ft to the required 20 front yard setback for Lot 107A1A1, MRGCD Map 31, located at 3815 Pedroncelli RD NW, zoned R-A [Section 14-16-5-1(C)(1)]

Special Exception No: **VA-2023-00376**
.....
Project No: **Project#2023-009712**
.....
Hearing Date: 02-20-2024
.....
Closing of Public Record: 02-20-2024
.....
Date of Decision: 03-06-2024
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On the 20th day of February 2024, Joseph Grady and Lauri Grady (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting variance of 15 ft to the required 20 front yard setback (“Application”) upon the real property located at 3815 Pedroncelli RD NW (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 15 ft to the required 20 ft. front yard setback.
2. The ZHE finds that the Applicant has authority to pursue this Application.
3. All property owners within 100 feet and affected neighborhood association(s) were notified.
4. The ZHE finds that the proper “Notice of Hearing” signage was posted for the required time period as required by Section 14-16-6-4(K)(3).
5. The City of Albuquerque Integrated Development Ordinance (“IDO”), Section 14-16-6-6(O)(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 a single lot 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, physical characteristics, natural forces or 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.*
 - (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.”

6. 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).
7. The 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).
8. The subject property is currently zoned R-A.
9. Based on evidence submitted by Applicant, it appears that 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). Applicant submitted evidence that Subject Property is located in an area of historic platting resulting in several nonconformities in the vicinity, which make reasonable development of the Subject Property impracticable without the requested variance.
10. Based on evidence submitted by or on behalf of Applicant, 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). Specifically, Applicant testified that the variance would reduce traffic because there will be less lots in the development, therefore reducing the number of vehicles traveling to Subject Property. Evidence was submitted supporting that, if granted approval, the Applicant intends to construct the proposed project in a manner that is consistent with the IDO and the Development Process Manual (DPM).
11. Based on evidence submitted by or on behalf of Applicant, 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). The proposal is designed to be in harmony and consistency with prior approvals, what currently exists in the neighborhood, rights of way and infrastructure.
12. Based on evidence submitted by or on behalf of Applicant, 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). Applicant testified that the variance would be consistent with the character of the North Valley and renovating the existing house would “*add to the North Valley and the neighborhood*”.
13. Based on evidence submitted by or on behalf of Applicant, the variance approved meets the minimum necessary to avoid extraordinary hardship or practical difficulties as required by Section 14-16-6-6(N)(3)(a)(5). Evidence supports that any smaller variance would not be practicable..
14. The City Traffic Engineer submitted a report stating no objection to the Application.

DECISION:

APPROVAL of a variance of 15 ft to the required 20 ft. front yard setback.

APPEAL:

If you wish to appeal this decision, you must do so by March 21, 2024 pursuant to Section 14-16-6-4(V), of the IDO, 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



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

Joseph Grady and Lauri Grady request a variance of 6 ft. to the required 10 ft. side yard for Lot 107A1A1, MRGCD Map 31, located at 3815 Pedroncelli RD NW, zoned R-A [Section 14-16-5-1(C)(1)]

Special Exception No: **VA-2023-00377**
.....
Project No: **Project#2023-009712**
.....
Hearing Date: 02-20-2024
.....
Closing of Public Record: 02-20-2024
.....
Date of Decision: 03-06-2024
.....

On the 20th day of February 2024, Joseph Grady and Lauri Grady (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting variance of 6 ft to the required 10 ft side yard setback (“Application”) upon the real property located at 3815 Pedroncelli RD NW (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 6 ft to the required 10 ft. side yard setback.
 2. The ZHE finds that the Applicant has authority to pursue this Application.
 3. All property owners within 100 feet and affected neighborhood association(s) were notified.
 4. The ZHE finds that the proper “Notice of Hearing” signage was posted for the required time period as required by Section 14-16-6-4(K)(3).
 5. The City of Albuquerque Integrated Development Ordinance (“IDO”), Section 14-16-6-6(O)(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 a single lot 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, physical characteristics, natural forces or 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.*
 - (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.”

6. 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).
7. The 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).
8. The subject property is currently zoned R-A.
9. Based on evidence submitted by Applicant, it appears that 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). Applicant submitted evidence that Subject Property is located in an area of historic platting resulting in several nonconformities in the vicinity, which make reasonable development of the Subject Property impracticable without the requested variance.
10. Based on evidence submitted by or on behalf of Applicant, 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). Specifically, Applicant testified that the variance would reduce traffic because there will be less lots in the development, therefore reducing the number of vehicles traveling to Subject Property. Evidence was submitted supporting that, if granted approval, the Applicant intends to construct the proposed project in a manner that is consistent with the IDO and the Development Process Manual (DPM).
11. Based on evidence submitted by or on behalf of Applicant, 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). The proposal is designed to be in harmony and consistency with prior approvals, what currently exists in the neighborhood, rights of way and infrastructure.
12. Based on evidence submitted by or on behalf of Applicant, 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). Applicant testified that the variance would be consistent with the character of the North Valley and renovating the existing house would *“add to the North Valley and the neighborhood”*.
13. Based on evidence submitted by or on behalf of Applicant, the variance approved meets the minimum necessary to avoid extraordinary hardship or practical difficulties as required by Section 14-16-6-6(N)(3)(a)(5). Evidence supports that any smaller variance would not be practicable..
14. The City Traffic Engineer submitted a report stating no objection to the Application.

DECISION:

APPROVAL of a variance of 6 ft. to the required 10 ft. side yard setback.

APPEAL:

If you wish to appeal this decision, you must do so by March 21, 2024 pursuant to Section 14-16-6-4(V), of the IDO, 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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