



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

Johan and Brenda Gabaldon (Agent,  
Kim Rodarte-Wolf) request a variance  
of 4 FT 2 inches to the required 10 FT  
side setback on the south side of the lot  
for Lot 28, Block 2, SARATOGA,  
located at 5305 Hayes Drive NW, zoned  
R1-D [Section 14-16-2-3(B)(2)]

Special Exception No: ..... **VA-2024-00025**  
Project No: ..... **Project#2024-009923**  
Hearing Date: ..... 3-19-24  
Closing of Public Record: ..... 3-19-24  
Date of Decision: ..... 04-03-24

On the 19<sup>th</sup> day of March, 2024, agent for property owner Kim Rodarte-Wolf (“Applicant”) was scheduled to appear before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 4 FT 2 inches to the required 10 FT side setback on the south side of the lot (“Application”) upon the real property located at 5305 Hayes Dr NW (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 4 ft. 2 inches to the required 10 ft. side setback on the south side of the lot.
2. Applicant failed to appear at the March 19, 2024, ZHE hearing on the Application.
3. The ZHE hearing on the Application should be deferred to April 16, 2024 beginning at 9:00 a.m., to allow Applicant to appear and testify in support of the Application.

DECISION:

DEFERRAL – The ZHE hearing on the Application is DEFERRED to April 16, 2024, beginning at 9:00 a.m.

APPEAL:

If you wish to appeal this decision, you must do so by April 19<sup>th</sup>, 2024 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.

A handwritten signature in black ink, appearing to read "Robert Lucero".

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Robert Lucero, Esq.  
Zoning Hearing Examiner

cc:

ZHE File  
Zoning Enforcement