



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

Brittany Love requests a Variance of 5-feet to the required 10-foot front yard setback and a Variance of 10-feet to the required 10-foot rear yard setback for all or a portion of Map 38, Tract 266D, located at 2311 Hollywood Ave. NW, zoned R-1A..

Special Exception No: .... **VA-2025-00159**  
Project No: .....  
Hearing Date:..... 11-18-25  
Closing of Public Record: 11-18-25  
Date of Decision: ..... 12-03-25

On November 18, 2025, Brittany Love (“**Applicant**”) was scheduled to appear before the Zoning Hearing Examiner (the “**ZHE**”) requesting a Variance of 5-feet to the 10-foot front yard setback and 10-feet to the 10-foot rear yard setback (“**Application**”) upon the real property located at 2311 Hollywood Ave. NW. (the “**Subject Property**”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a Variance of 5-feet to the required 10-foot front yard setback and a Variance of 10-feet to the required 10-foot rear yard setback, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“IDO”) Section 14-16-6-6(O).
2. Applicant has authority to pursue this Application, pursuant to 14-16-6-4(D).
3. Applicant is not required to offer a meeting to Indian Nations, Tribes, and Pueblos before filing the application, pursuant to IDO Section 14-16-6-4(B).
4. The Planning Director’s delegee has determined that the Application is complete, pursuant to IDO Section 14-16-6-4(G).
5. The analyses and studies listed in IDO Section 14-16-6-4(H) are not required.
6. The Application was forwarded to commenting agencies pursuant to IDO Section 14-16-6-4(I).
7. The content of the notice of the Application satisfies IDO Section 14-16-6-4(J)(1).
8. Applicant has sent an electronic mail notice to the email addresses on file with the Office of Neighborhood Coordination for each pertinent Neighborhood Association as required by IDO Section 14-16-6-4(J)(2).
9. Applicant has sent mailed notice to all property owners within 100 feet of the subject property as required by IDO Section 14-16-6-4(J)(3).
10. Applicant has posted sign notice(s) as required by IDO Section 14-16-6-4(J)(4).
11. The Subject Property is located in the R-1A zone

13. Therefore, Approval of a Variance to setbacks pursuant to IDO Subsection 14-16-6-6(O) is required.
14. Applicant has provided a sound justification for the requested decision, based on substantial evidence, pursuant to IDO Section 14-16-6-4(E)(3).
15. Applicant has shown compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO Section 14-16-6-4(E)(4).
16. IDO Section 14-16-6-6(O)(3)(a) (Review and Decision Criteria– Variance) 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 district and vicinity, including but not limited to size, shape, topography, location, surroundings, physical characteristics, natural forces, or by 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.

*The subject site is uniquely small, which imposes restrictions on the allowable buildable area when considering all requirements pursuant to IDO 14-16-5-1: Dimensional Standards and IDO 14-16-5-5: Parking and Loading which establish minimum requirements on setbacks and minimum off-street parking spaces required. The circumstances of the lot were not self-imposed and, when comparing lot sizes to the surrounding area, many lots do not have similar restrictions in terms of lot width and depth, where every available foot can significantly impact the building envelope. Hollywood Ave. NW is a narrow road that is unable to support on-street parking, off-street parking is critical in this area of the city. The proposed variance allows for reasonable location of a garage to provide for off-street parking.*

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

*This variance request will not be materially contrary to the public safety, health, or welfare of the surrounding community. The intent of this request is to increase the buildable area on the subject site while allowing development to meet the requirements of the IDO off-street parking standards, avoiding potential negative impacts of parking on Hollywood Ave. NW, a narrow local road. Although certain neighbors testified that the proposed use would cause negative impacts on traffic and congestion, there is no evidence that building on the lot within setback requirements, if feasible, would not cause the same problems. Applicant's proposal provides for on-site parking, thereby mitigating any negative impact.*

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

*The request for a variance to the required minimum front and rear yard setbacks will not cause adverse impacts to the surrounding properties or infrastructure improvements in the area. Separation requirements between structures will still be maintained and requirements in the IDO, Development Process Manual (DPM) and other applicable city plans and developmental guidelines will mitigate any adverse impacts as development progresses. See also findings in prong 2, above.*

4. The Variance will not materially undermine the intent and purpose of this IDO, the applicable zone district, or any applicable Overlay Zone.

*This request will not undermine the intent and purpose of the IDO, applicable zone districts or any applicable overlay zones. The request for a variance to the rear and front yard setbacks will facilitate the development of a new single-family dwelling that is not intended to undermine the IDO, but allow the applicant to meet all other provisions of the IDO while creating a reasonable, and adequately sized single-family dwelling with sufficient parking areas to reduce on-street parking along Hollywood Ave. NW.*

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

*The variance approved is the minimum necessary to avoid difficulties in developing an appropriately sized single-family residence with adequate off-street parking on a small lot along a narrow street that are not self-imposed hardships.*

17. The City Traffic Engineer submitted a report stating no objection to the Application

DECISION:

APPROVAL of a Variance of 5-feet to the required 10-foot front yard setback and of a Variance of 10-feet to the required 10-foot rear yard setback.

APPEAL:

If you wish to appeal this decision, you must do so by December 18, 2025 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 Notice of Decision does not constitute approval of plans for a building permit. If your Application is approved, bring this Notice of Decision with you when you apply for any related building permit or occupation tax number. Approval of a Conditional Use is void after two (2) years from date of approval if the rights and privileges granted thereby have not been executed or utilized. Approval of a Variance is void after one (1) year from date of approval if the rights and privileges granted thereby have not been executed or utilized.



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Zoning Hearing Examiner

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