



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

2611 Rio Grande, LLC (Agent, Consensus Planning, Inc.) requests a Variance of 7.94 feet to the 75-foot minimum lot width in the R-A zone district for Lot 97B, MRGCD Map 34, located at 2611 Rio Grande Blvd NW, zoned R-A [Section 14-16-5-1 Table 5-1-1]

Special Exception No: .... **VA-2024-00360**  
Project No: ..... **PR-2024-010656**  
Hearing Date: ..... 02-18-25  
Closing of Public Record: 02-18-25  
Date of Decision: ..... 03-05-25

On February 18, 2025, Consensus Planning, Inc, agent for property owner 2611 Rio Grande LLC (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 7.94 feet to the 75-foot minimum lot width in the R-A zone district (“Application”) upon the real property located at 2611 Rio Grande Blvd NW (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 7.94 feet to the required 75-foot minimum lot width in the R-A zone.
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 period as required by Section 14-16-6-4(J)(4).
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 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.*
  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 this IDO, the applicable zone district, or any applicable Overlay Zone.*

*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. Applicant appeared and gave evidence in support of the application.
9. Based on evidence submitted by or on behalf of 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). Specifically, the preexisting narrow width of the Subject Property, as well as its location and relationship to neighboring subdivisions in an area of historic platting that predates the adoption of zoning in Albuquerque, create special circumstances that result in practical difficulties and limitations in complying strictly with IDO requirements 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). Applicant submitted evidence that no negative impacts would result.
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). Applicant submitted evidence that it would not cause any adverse impact, and stipulated certain conditions intended to minimize impacts on surrounding properties.
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). The Applicant intends to comply with all other IDO requirements in subdividing the property, including the minimum lot size of the R-A zone district.
13. Based on evidence submitted by or on behalf of Applicant, the variance is the minimum necessary to avoid extraordinary hardship or practical difficulties as required by Section 14-16-6-6(N)(3)(a)(5). Specifically, Applicant testified that any lesser variance would be impracticable.
14. The Applicant intends to subdivide the existing lot into 3 new lots as shown on exhibits in the application. The proposed subdivision requires this variance, which will run with the land pursuant to IDO Section 14-16-6-4(W)(1) and apply to those 3 proposed lots as a prior zoning action pursuant to IDO Section 14-16-5-4(C)(1)(a).
15. The Applicant held a meeting with neighbors on February 3, 2025, and stipulated certain conditions, as noted in the record. It was agreed that the lot width variance would apply to, and allow for, the three-lot subdivision proposed on Exhibit A attached to the applicant's February 12, 2025, memorandum (updated February 14, 2025).
16. Counsel for some of the neighbors submitted a letter and comment on these applications, dated January 9, 2025, outlining objections to the requests. However, based on testimony, those objections appear to be diminished following the meeting with the applicant and agreement to certain conditions of approval.
17. The City Traffic Engineer submitted a report stating no objection to the Application.

DECISION:

APPROVAL of a variance of 7.94 feet to the required 75-foot minimum lot width.

APPEAL:

If you wish to appeal this decision, you must do so by March 20, 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 the 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.

*/s/ Rip Harwood*

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Ripley B. Harwood, Esq.  
Alternate Zoning Hearing Examiner

cc: ZHE File  
Zoning Enforcement  
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CITY OF ALBUQUERQUE  
OFFICE OF ADMINISTRATIVE HEARINGS  
ZONING HEARING EXAMINER  
NOTIFICATION OF DECISION

2611 Rio Grande, LLC (Agent, Consensus Planning, Inc.) requests a Variance of 5 feet to the 10-foot minimum north side setback in the R-A zone district for Lot 97B, MRGCD Map 34, located at 2611 Rio Grande Blvd NW, zoned R-A [Section 14-16-5-1 Table 5-1-1]

Special Exception No: .... **VA-2025-00003**  
Project No: ..... **PR-2024-010656**  
Hearing Date: ..... 02-18-25  
Closing of Public Record: 02-18-25  
Date of Decision: ..... 03-05-25

On February 18, 2025, Consensus Planning, Inc, agent for property owner 2611 Rio Grande LLC (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 5 feet to the 10-foot minimum north side setback in the R-A zone district (“Application”) upon the real property located at 2611 Rio Grande Blvd NW (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant submitted a request for a variance of 5 feet to the required 10-foot minimum north side setback in the R-A zone district.
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 period as required by Section 14-16-6-4(J)(4).
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 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.*
  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 this IDO, the applicable zone district, or any applicable Overlay Zone.*

*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. Applicant appeared and gave evidence in support of the application.
9. Based on evidence submitted by or on behalf of 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). Specifically, the preexisting narrow width of the Subject Property, as well as its location and relationship to neighboring subdivisions in an area of historic platting that predates the adoption of zoning in Albuquerque, create special circumstances that result in practical difficulties and limitations in complying strictly with IDO requirements 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). Applicant submitted evidence that no negative impacts would result.
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). Applicant submitted evidence that it would not cause any adverse impacts, and stipulated certain conditions intended to minimize impacts on surrounding properties including a reduction in the amount of the requested variance to the north side setback in this request and a limitation on future building height.
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). The Applicant intends to comply with all other IDO requirements in developing the property, including the minimum lot size of the R-A zone district.
13. Based on evidence submitted by or on behalf of Applicant, the variance is the minimum necessary to avoid extraordinary hardship or practical difficulties as required by Section 14-16-6-6(N)(3)(a)(5). Specifically, Applicant testified that only a 3-foot variance, with minor variations not to exceed 6 inches, was necessary and any lesser variance would be impracticable.
14. The Applicant intends to subdivide the existing lot into 3 new lots as shown on exhibits in the application.
15. The Applicant held a meeting with neighbors on February 3, 2025, and stipulated certain conditions, as noted in the record.
16. Counsel for some of the neighbors submitted a letter and comment on these applications, dated January 9, 2025, outlining objections to the requests. However, based on testimony, those objections appear to be diminished following the meeting with the applicant and agreement to certain conditions of approval.
17. A variance of 7 feet, 10 inches to the north side setback was previously reviewed and approved by the ZHE for the existing structures on the subject property following a public hearing on

October 15, 2024, with a written decision dated October 30, 2024 [VA-2024-00204]. The applicant agreed that prior approval shall be limited to the easternmost proposed lot, which is designated as “2611-C” on Exhibit A attached to the applicant’s February 12, 2025, memorandum (updated February 14, 2025).

18. The Applicant stipulated that the revised 3-foot variance to the north side setback shall be limited to the middle lot of the proposed subdivision, which is designated as “2611-B” on Exhibit A.
19. The City Traffic Engineer submitted a report stating no objection to the Application.

DECISION:

APPROVAL WITH CONDITIONS of a variance of **3** feet to the required 10-foot minimum north side setback.

CONDITIONS:

1. The previously approved side setback variance, VA-2024-00204, shall only apply to the easternmost lot “2611-C” as shown on Exhibit A in the record.
2. This 3-foot variance shall only apply to the middle lot “2611-B” as shown on Exhibit A in the record and is further limited to substantial conformity with the proposed building footprint shown on Exhibit B subject to minor variations not to exceed 6 inches.
3. The height of any new structures on the proposed middle lot “2611-B,” as shown on Exhibit A, shall be limited to a single story and 17 feet maximum height to reduce any potential impacts to the abutting property.

APPEAL:

If you wish to appeal this decision, you must do so by March 20, 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 the 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.

*/s/ Rip Harwood*

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Ripley B. Harwood, Esq.  
Alternate Zoning Hearing Examiner

cc: ZHE File  
Zoning Enforcement

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CITY OF ALBUQUERQUE  
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ZONING HEARING EXAMINER  
NOTIFICATION OF DECISION

2611 Rio Grande, LLC (Agent, Consensus Planning, Inc.) requests a Variance of 5 feet to the 10-foot minimum south side setback in the R-A zone district for Lot 97B, MRGCD Map 34, located at 2611 Rio Grande Blvd NW, zoned R-A [Section 14-16-5-1 Table 5-1-1]

Special Exception No: .... **VA-2025-00004**  
Project No: ..... **PR-2024-010656**  
Hearing Date: ..... 02-18-25  
Closing of Public Record: 02-18-25  
Date of Decision: ..... 03-05-25

On February 18, 2025, Consensus Planning, Inc, agent for property owner 2611 Rio Grande LLC (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 5 feet to the 10-foot minimum south side setback in the R-A zone district (“Application”) upon the real property located at 2611 Rio Grande Blvd 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 minimum south side setback in the R-A zone district.
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 period as required by Section 14-16-6-4(J)(4).
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 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.*
  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 this IDO, the applicable zone district, or any applicable Overlay Zone.*

*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. Applicant appeared and gave evidence in support of the application.
9. Based on evidence submitted by or on behalf of 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). Specifically, the preexisting narrow width of the Subject Property, as well as its location and relationship to neighboring subdivisions in an area of historic platting that predates the adoption of zoning in Albuquerque, create special circumstances that result in practical difficulties and limitations in complying strictly with IDO requirements 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). Applicant submitted evidence that no negative impacts would result.
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). Applicant submitted evidence that it would not cause any adverse impact and stipulated to certain conditions intended to minimize impacts on surrounding properties.
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). The Applicant intends to comply with all other IDO requirements in developing the property, including the minimum lot size of the R-A zone district.
13. Based on evidence submitted by or on behalf of Applicant, the variance is the minimum necessary to avoid extraordinary hardship or practical difficulties as required by Section 14-16-6-6(N)(3)(a)(5). Specifically, Applicant testified that any lesser variance would be impracticable and further agreed to comply with the required north side setback on the proposed lot affected by this request by limiting another setback request [VA-2025-00003] through conditions of approval.
14. The Applicant intends to subdivide the existing lot into 3 new lots as shown on exhibits in the application.
15. The Applicant held a meeting with neighbors on February 3, 2025, and stipulated certain conditions, as noted in the record.
16. Counsel for some of the neighbors submitted a letter and comment on these applications, dated January 9, 2025, outlining objections to the requests. However, based on testimony, those objections appear to be diminished following the meeting with the applicant and agreement to certain conditions of approval.
17. A variance of 7 feet, 10 inches to the north side setback was previously reviewed and approved by the ZHE for the existing structures on the subject property following a public hearing on October 15, 2024, with a written decision dated October 30, 2024 [VA-2024-00204]. The

applicant agreed that prior approval shall be limited to the easternmost proposed lot, which is designated as “2611-C” on Exhibit A attached to the applicant’s February 12, 2025, memorandum (updated February 14, 2025).

18. The Applicant stipulated that the proposed variance to the south side setback shall be limited to the westernmost lot of the proposed subdivision, which is designated as “2611-A” on Exhibit A, so each proposed lot is impacted by a single side setback variance.
19. The City Traffic Engineer submitted a report stating no objection to the Application.

DECISION:

APPROVAL WITH CONDITIONS of a variance of 5 feet to the required 10-foot minimum south side setback.

CONDITIONS:

1. The previously approved side setback variance, VA-2024-00204, shall only apply to the easternmost lot “2611-C” as shown on Exhibit A in the record.
2. This variance of 5 feet to the south side setback shall only apply to the westernmost lot “2611-A” as shown on Exhibit A in the record.

APPEAL:

If you wish to appeal this decision, you must do so by March 20, 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 the 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.

*/s/ Rip Harwood*

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Ripley B. Harwood, Esq.  
Zoning Hearing Examiner

cc: ZHE File  
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