



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

William Anthony Liotta Trustee Liotta Rvt (Agent: Jason Garcia) requests a Variance of 4 Ft to the allowed 15 Ft front setback for Lot F, Block 5, Ridgcrest Addition Shirley & Elledges Replat, located at 1110 Madison St SE, zoned R-1C (IDO Section 14-16-5-1(C), Table 5-1-1)	Special Exception No:.....	VA-2025-00146
	Project No:	NONE
	Hearing Date:	09-16-2025
	Closing of Public Record:	09-16-2025
	
	Date of Decision:.....	10-01-2025

On October 21, 2025, William Anthony Liotta Trustee Liotta Rvt (Agent: Jason Garcia) (“**Applicant**”) was scheduled to appear before the Zoning Hearing Examiner (the “**ZHE**”) requesting a Variance of 4 Ft to the allowed 15 Ft front setback (“**Application**”) upon the real property located at 1110 Madison St SE (the “**Subject Property**”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 4 Ft to the allowed 15 Ft front setback, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“**IDO**”) Section 14-16-6-6(A). The initial notice on the Application stated that Applicant was requesting an 11’ variance, but Applicant testified that only a 4’ variance is sought (to allow for an 11’ setback).
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 no more than 1 calendar year 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) were delivered.
6. The Application was not required to be 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 as required by IDO Section 14-16-6-4(J)(4).
11. The Subject Property is zoned R-1C.
12. Therefore, additional height surpassing the maximum 3 feet wall height on the Subject Property requires a Variance Approval pursuant to IDO Subsection 14-16-6-6(O).
13. 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.*
 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.”*
14. 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).
15. 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).
16. Applicant appeared at the October 21, 2025 ZHE hearing on the Application and gave evidence in support of the Application.
17. Based on evidence submitted by or on behalf of Applicant, it appears that there are no 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, and 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, as required by Section 14-16-6-6(O)(3)(a)(1). The Subject Property appears uniform with other lots to the north along Madison on the same block and behind the Subject Property on the same block along Monroe. Applicant states that the large street right of ways constitute special circumstances, but there is no evidence that the Subject property is affected more severely than any of these other neighbor lots.
18. Based on evidence submitted by or on behalf of Applicant, the Application does not establish that the Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties as required by Section 14-16-6-6(O)(3)(a)(5). Applicant’s

architectural plans show an approximately 12' unheated storage space behind the proposed garage and in front of the existing bathroom. There is no evidence that would establish that the unheated storage is required or could not be eliminated or reduced so that no setback variance is necessary.

DECISION:

DENIAL of a variance of 4 Ft to the allowed 15 Ft front setback.

APPEAL:

If you wish to appeal this decision, you must do so by November 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 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

cc: William Liotta, jrgbuilders.nm@gmail.com
ZHE File
Zoning Enforcement