



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

Rio Grande Realty & Investment, LLC (Todd Kruger, Elevated Mechanical Services – Agent) requests a variance of 15 feet to the 25-foot rear setback requirement to construct a single-car garage addition for Lot 1 Plat of Lots 1, 2 & 3 Lands of Frances & Theresa, located at 3741 San Isidro Street NW, zoned R-A (G-13) (IDO Section 14-16-5-1; Table 5-1-1)

Special Exception No: .... **VA-2025-00166**  
Project No: ..... **PR-2025-020151**  
Hearing Date:..... 12-16-2025  
Closing of Public Record: 12-16-2025  
Date of Decision: ..... 12-31-2025

On December 16, 2025, Tod Kruger, Elected Mechanical Services (“Agent”) as agent for Rio Grande Realty & Investment, LLC (“**Applicant**”) were scheduled to appear before the Zoning Hearing Examiner (the “**ZHE**”) requesting a variance of 15 feet to the 25-foot rear setback (“**Application**”) upon the real property located at 3741 San Isidro Street NW (the “**Subject Property**”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a Variance of 15 feet to the 25-foot rear setback, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“**IDO**”) Section 14-16-6-6(O).
2. Based on evidence in the record, it appears that Applicant did not satisfy all notice requirements, particularly regarding confirmation with the City of Albuquerque Office of Neighborhood Coordination (ONC) of any neighborhood associations entitled to notice.
3. Failure of proper notice is a jurisdictional defect, and the ZHE cannot proceed to hear a case and decide it until notice requirements have been fulfilled.
4. To allow time for the Applicant to comply, and timely provide evidence of compliance, with all applicable notice requirements, the ZHE has allowed for a DEFERRAL until the January 20, 2026, ZHE hearing.

DECISION:

DEFERRAL of the Application to the January 20, 2026, ZHE hearing, which begins at 9:00 a.m.

APPEAL:

If you wish to appeal this decision, you must do so by January 15, 2026, 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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Robert Lucero, Esq.  
Zoning Hearing Examiner

cc: *Rio Grande Realty & Investments, LLC (Property Owner), [tkruger@rgri.net](mailto:tkruger@rgri.net)  
Chris Cowen, Elevated Mechanical Services, LLC (Agent), [elevated@emsplumbing.com](mailto:elevated@emsplumbing.com)  
ZHE File  
Zoning Enforcement*