

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW, 2nd Floor, Albuquerque, NM 87102
PO Box 1293, Albuquerque, NM 87103
Office (505) 924-3860



ZONING HEARING EXAMINER
NOTICE OF DECISION

Special Exception Number: VA-2026-00061

Project Number: PR-2026-000110

Hearing Date: 08-18-26

Closing of Public Record: 08-18-26

Date of Decision: 09-02-26

Case Description: Russell J. Threadgill (Owner) requests a Variance for the height of an accessory structure for Lot 1, Block 4, Holiday Park Unit 11, located at 3700 Naples ST NE, zoned R-1 (G-22) [IDO § 14-16-5-5(G)(3)(d)]

On August 18, 2026, Russell J. Threadgill (Owner) was scheduled to appear before the Zoning Hearing Examiner (the “ZHE”) requesting a Variance of 3 feet to the maximum building height of 13 feet for an Accessory Structure (“Application”) upon the real property located at 3700 Naples St NE (the “Subject Property”). Below are the ZHE’s findings of fact and decision.

FINDINGS, VARIANCE TO MAXIMUM BUILDING HEIGHT:

1. Applicant is requesting a Variance of 3 feet to the maximum building height of 13 feet for an Accessory Structure, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“IDO”) § 14-16-6-6(O).
2. Applicant has authority to pursue this Application, pursuant to IDO § 14-16-6-4(D).
3. Applicant has not duly authorized Agent to act on Applicant’s behalf regarding the Application.
4. The Planning Director’s delegee has determined that the Application is complete, pursuant to IDO § 14-16-6-4(G).
5. The analyses and studies listed in IDO § 14-16-6-4(H) are not required.
6. The Application was referred to commenting agencies pursuant to IDO § 14-16-6-4(I).
7. The content of the notice of the Application satisfies IDO § 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 Neighborhood Associations within 660 feet as required by IDO § 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 § 14-16-6-4(J)(3).
10. Applicant has posted sign notice(s) as required by IDO § 14-16-6-4(J)(4).
11. The Subject Property is located in the R-1 zone district, and the primary structure (i.e., single-family dwelling) has a building height of 13 feet.
12. IDO § 14-16-5-11(C)(4)(b) limits the maximum building height of an Accessory Structure to the height of the primary structure on the property.
13. Therefore, an Accessory Structure with a maximum building height of 16 feet on the Subject Property requires a Variance – ZHE, pursuant to IDO § 14-16-6-6(O).
14. IDO § 14-16-6-6(O)(3)(a) (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.”*
15. Applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO § 14-16-6-4(E)(3).
16. Applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO § 14-16-6-4(E)(4).
17. Evidence in the record reveals that there are no special circumstances unique to this lot that do not apply generally to other property in the same zone district and vicinity and that create an extraordinary hardship or practical difficulties. The Subject Property is not distinguished from other properties in the vicinity or zone district, which appear to have similar size shape and topography. Although Applicant claims that a City employee advised him that he did not need any permit or variance, even a quick review of the City website would reveal that a permit is required for a carport structure. There was no government actions for which no compensation was paid that would create any special circumstance. Consequently, the record does not establish a lot-specific special circumstance meeting the elements of IDO § 14-16-6-6(O)(3)(a)1.

18. Applicant has not carried the burden of showing by substantial evidence that special circumstances applicable to this lot are not self-imposed, do not apply generally to other property in the same zone district and vicinity, and create either the required extraordinary hardship or practical difficulties. IDO § 14-16-6-6(O)(3)(a)1 is not met.
19. Because the Application must meet all applicable criteria, and the criteria discussed above have not been met, the ZHE will not examine the remainder of the criteria, in the interest of quasi-judicial economy.

DECISION:

DENIAL of a Variance of 3 feet to the maximum building height of 13 feet for an accessory structure, for Lot 1, Block 4, Holiday Park Unit 11, located at 3700 Naples ST NE, zoned R-1.

APPEAL:

If you wish to appeal this decision, you must do so by September 17, 2026. Pursuant to IDO § 14-16-6-4-(U), you must demonstrate that you have legal standing to file an appeal.

PERIOD OF VALIDITY:

Approval of a Variance is valid for one (1) year from date of approval.

OTHER REQUIREMENTS:

THIS NOTICE OF DECISION DOES NOT CONSTITUTE APPROVAL OF PLANS FOR A BUILDING PERMIT.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. If your Application is approved, submit this Notice of Decision when you apply for any related building permit or other necessary permit.



Robert Lucero, Esq.
Zoning Hearing Examiner

cc: Russell Threadgill
rthread01@gmail.com
Becca Wilson
blrhabq@gmail.com
Dave Coulie
davecoulie@aol.com
ZHE File
Zoning Enforcement

Marcos Trujillo
mdtrujillo@cabq.com