

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-2025-00124

Project Number: PR-2026-000161

Hearing Date: 09-15-2026

Closing of Public Record: 09-15-2026

Date of Decision: 09-30-2026

Case Description: Santiago Arellano, El Descanso Enterprises LLC (Owner) requests a Variance to side yard setback of 5 feet to the required 5-foot side setback for Lot 1, 2, Block E, Monkbridge Place, located at 523 Aztec Rd NW, zoned R-1 (G-14) IDO β 14-16-2 3(A)(2)

On September 15, 2026, Santiago Arellano, El Descanso Enterprises LLC (“Applicant”) was scheduled to appear before the Zoning Hearing Examiner (“ZHE”) requesting a Variance to side yard setback of 5 feet to the required 5-foot side setback (“Application”) upon the real property located at 523 Aztec Road NW (“Subject Property”). Below are the ZHE’s findings of fact and decision.

FINDINGS:

1. Applicant is requesting a Variance of 2 feet from the 5-foot minimum west-side lot-line separation applicable to a porch to allow an existing covered porch 3 feet from the west lot line, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“IDO”) Section 14-16-6-6(O).
2. Substantial evidence in the record, including the Application and Applicant’s sworn testimony at the hearing, establishes that Applicant has authority to pursue this Application pursuant to IDO Section 14-16-6-4(D).
3. A pre-submittal tribal meeting was not required for this Application under Table 6-1-1 and IDO Section 14-16-6-4(B).
4. The Planning Director’s delegee determined that the Application was complete as of August 3, 2026, pursuant to IDO Section 14-16-6-4(G), as established by the application record.

5. The Application was forwarded to commenting agencies pursuant to IDO Section 14-16-6-4(I), as established by the agency-referral materials in the record.
6. Substantial evidence in the record, including the notice materials and testimony at the hearing, establishes that the content of notice of the Application satisfies IDO Section 14-16-6-4(J)(1).
7. Substantial evidence in the record, including the notice materials and testimony at the hearing, establishes that electronic mail notice was provided 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).
8. Substantial evidence in the record, including the notice materials and testimony at the hearing, establishes that mailed notice was provided to property owners within 100 feet of the Subject Property as required by IDO Section 14-16-6-4(J)(3).
9. Substantial evidence in the record, including the sign-posting evidence and testimony at the hearing, establishes that sign notice was posted as required by IDO Section 14-16-6-4(J)(4).
10. Substantial evidence in the record establishes that the City published notice and posted the Application on the City website on August 31, 2026, as required by Table 6-1-1 and IDO Sections 14-16-6-4(J)(5) and (6).
11. The Subject Property is zoned R-1. IDO Section 14-16-2-3(B)(2), Table 2-3-3, and Section 14-16-5-1(C)(1), Table 5-1-1, establish a general 5-foot minimum interior side setback in the R-1 zone district. Although Table 5-1-1, note 11, allows one interior side setback to be 0 feet when the opposite interior side setback is at least 10 feet, the requested relief is from the separate porch limitation in IDO Section 14-16-5-1(G), Table 5-1-4, which provides that a porch encroaching into a required setback may not be closer than 3 feet from any lot line. The improvement-location report and site plan show the covered porch 3 feet from the west lot line. The requested 2-foot reduction is 40 percent of the 5-foot standard and exceeds the 15-percent general side-setback deviation allowed by IDO Section 14-16-6-4(N), Table 6-4-1. Therefore, the request requires approval of a Variance - ZHE under IDO Sections 14-16-6-4(N)(2) and 14-16-6-6(O)(1), and the ZHE is the decision-making body under Table 6-1-1.
12. 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.”*
13. 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).
14. 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).
15. In order to be approved, the Application must also meet the general review and decision criteria in IDO Section 14-16-6-4(M).
16. Santiago Arellano appeared on Applicant’s behalf at the September 15, 2026 ZHE hearing and gave sworn testimony in support of the Application.
17. The criterion in IDO Section 14-16-6-6(O)(3)(a)(1) is met. The improvement-location report, site plan, photographs, and Applicant’s sworn testimony establish special circumstances arising from the layout of the Subject Property in relation to the preexisting residence, covered porch, west lot line, and improvements on the adjacent property. The improvement-location report depicts the residence approximately 3.2 feet from the west lot line, and the site plan depicts the covered porch 3 feet from that lot line. Applicant testified that the porch was constructed by a prior owner and that the existing layout was not self-imposed by Applicant. Applicant also testified about the location of the adjacent property’s improvements near the common lot line. Substantial evidence establishes that strict compliance would create practical difficulties particular to this lot.
18. The criterion in IDO Section 14-16-6-6(O)(3)(a)(2) is met. The Application justification, site plan, photographs, and Applicant’s sworn testimony establish that the existing covered porch at the proposed 3-foot setback will not be materially contrary to public safety, health, or welfare. Applicant testified that the porch will not interfere with access, traffic, parking, or the use of neighboring property and that applicable building and fire requirements will be met.
19. The criterion in IDO Section 14-16-6-6(O)(3)(a)(3) is met. The Application materials, site plan, photographs, and Applicant’s sworn testimony establish that the setback variance will not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity. Applicant testified that the request concerns only the location of an existing residential porch, will not alter access, traffic, or parking, will not adversely affect the use of adjacent property, and will not affect infrastructure improvements in the vicinity.
20. The criterion in IDO Section 14-16-6-6(O)(3)(a)(4) is met. The site plan, photographs, Application justification, and Applicant’s sworn testimony establish that the existing covered porch remains accessory to the residential use and that the 2-foot setback variance will not materially undermine the intent and purpose of the IDO or the R-1 zone district.
21. The criterion in IDO Section 14-16-6-6(O)(3)(a)(5) is met. The site plan requests only the 2 feet of relief needed to allow the existing covered porch to remain 3 feet from the west lot line. Applicant’s sworn testimony confirms that no greater setback relief is requested.

The approved Variance is the minimum necessary to avoid the practical difficulties created by the existing layout.

22. IDO Section 14-16-4-3(B)(1)(a) allows only one single-family dwelling per lot in the R-1 zone district unless the dwellings are part of a cottage development. The improvement-location report and site plan depict one existing residence, and the site plan specifies that no new square footage is proposed. The Application seeks only dimensional relief for the covered porch and does not request approval of a new dwelling or use. This use-specific standard is satisfied, and no Conditional Use Approval is required before decision on this Variance under IDO Section 14-16-6-6(O)(2)(a).
23. IDO Section 14-16-5-1(B)(4) requires all development to meet relevant setback standards in Article 14-2 of ROA 1994 (Fire Code) notwithstanding any IDO standard. This decision grants only the requested IDO Variance and does not waive or modify any Fire Code requirement or constitute approval of a building permit.
24. IDO Section 14-16-6-4(M)(1) is satisfied. The Application justification, improvement-location report, site plan, photographs, and Applicant's sworn testimony constitute substantial evidence and provide a sound justification for the requested Variance.
25. IDO Section 14-16-6-4(M)(2) is satisfied because, as found above, the Application meets each specific review and decision criterion in IDO Section 14-16-6-6(O)(3)(a)(1) through (5).
26. IDO Section 14-16-6-4(M)(3) does not supply the controlling approval test because IDO Section 14-16-6-6(O)(3)(a) lists more specific criteria for a Variance - ZHE.
27. Applicant's sworn testimony establishes that the existing porch was constructed by a prior owner without a permit and that Applicant is pursuing the required Variance and building permit to correct the preexisting condition. Applicant further testified that Applicant is not in default on a written agreement with the City and has no fees, charges, taxes, special assessments, debts, or obligations due and payable to the City regarding any matter. Based on these affirmative facts, discretionary denial under IDO Section 14-16-6-4(M)(4)(a) through (c) is not warranted.

DECISION:

APPROVAL of a Variance of 2 feet from the 5-foot minimum west-side lot-line separation applicable to a porch to allow an existing covered porch 3 feet from the west lot line for Lots 1 and 2, Block E, Monkbridge Place Re West Port, located at 523 Aztec Road NW.

APPEAL:

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



Robert Lucero, Esq.
Zoning Hearing Examiner

cc: Applicant - Santiago Arellano, El Descanso Enterprises LLC,
santiarellano055@gmail.com
Frances Gutierrez, fullofhotair.ag@gmail.com
ZHE File
Zoning Enforcement

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ZONING HEARING EXAMINER NOTICE OF DECISION

Special Exception Number: VA-2025-00038

Project Number: PR#2025-020080

Hearing Date: 08-19-25

Closing of Public Record: 08-19-25

Date of Decision: 09-03-25

Case Description: Judy Romero (Agent, Yolanda Montoya, Ron Montoya Design, Inc.) requests a variance of 5 feet to the minimum 10-foot side setback for Tract 256B1B2, MRGCD Map 35, located at 2717 Floral Rd NW, zoned R-A [IDO § 14-16-6-4(K)(1)(a)]

On August 19, 2025, Yolanda Montoya, Ron Montoya Designs, Inc. (“Agent”) as agent for Judy Romero (“Applicant”) was scheduled to appear before the Zoning Hearing Examiner (the “ZHE”) requesting a Variance of 5 feet to the minimum 10-foot side setback (“Application”) upon the real property located at 2717 Floral Rd NW (the “Subject Property”). Below are the ZHE’s findings of fact and decision.

FINDINGS, VARIANCE TO MINIMUM SIDE SETBACK:

1. Applicant is requesting a Variance of 5 feet to the minimum 10-foot side setback, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“IDO”) § 14-16-6-6(O).
2. Applicant [has/does not have] authority to pursue this Application, pursuant to IDO § 14-16-6-4(D).
3. Applicant [has/has not] duly authorized Agent to act on Applicant’s behalf regarding the Application.
4. Applicant [has/has not/is not required to offer] at least 1 meeting to Indian Nations, Tribes, and Pueblos no more than 1 calendar year before filing the application, pursuant to IDO § 14-16-6-4(B).
5. The Planning Director’s delegee has determined that the Application is complete as of [date], pursuant to IDO § 14-16-6-4(G).
6. The analyses and studies listed in IDO § 14-16-6-4(H) [were delivered/are not required].

7. The Application [was referred/was not required to be referred] to commenting agencies pursuant to IDO § 14-16-6-4(I).
8. The content of the notice of the Application [satisfies/does not satisfy] IDO § 14-16-6-4(J)(1).
9. Applicant [has/has not] 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).
10. Applicant [has/has not] sent mailed notice to all property owners within 100 feet of the subject property as required by IDO § 14-16-6-4(J)(3).
11. Applicant [has/has not] posted sign notice(s) as required by IDO § 14-16-6-4(J)(4).
12. The Subject Property is located in the R-A zone district, which requires a 10-foot minimum side setback pursuant to Table 5-1-1 [Description of why Property Needs a Variance Approval].
13. Therefore, a Variance of 5 feet to the 10-foot minimum side setback [Variance Request Description] 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. [Applicant/Agent][appeared/failed to appear] at the [Date] ZHE hearing on the Application[and gave evidence in support of the Application].
18. Based on evidence submitted by or on behalf of Applicant, it appears that there [are/are not] 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 IDO § 14-16-6-6(O)(3)(a)(1). [Insert factual findings]
19. Based on evidence submitted by or on behalf of Applicant, the Variance [will not/will] be contrary to the public safety, health and welfare of the community as required by IDO § 14-16-6-6(O)(3)(a)(2). [Insert factual findings]
20. Based on evidence submitted by or on behalf of Applicant, the Variance [will not/will] cause significant adverse material impacts on surrounding properties or infrastructure improvements in the vicinity as required by IDO § 14-16-6-6(O)(3)(a)(3). [Insert factual findings]
21. Based on evidence submitted by or on behalf of Applicant, the Variance [will not/will] materially undermine the intent and purpose of the IDO or applicable zone district as required by IDO § 14-16-6-6(O)(3)(a)(4). [Insert factual findings]
22. Based on evidence submitted by or on behalf of Applicant, the Variance approved [is/is not] the minimum necessary to avoid extraordinary hardship or practical difficulties as required by IDO § 14-16-6-6(O)(3)(a)(5). [Insert factual findings]
23. The City Traffic Engineer submitted a comment stating [no objection/objection] to the Application. [(If applicable) describe objection]
24. *IF APPLICABLE* The City Landmarks Commission submitted a comment stating [no objection/objection] to the Application. [no objection/objection] to the Application. [(If applicable) describe objection]
25. *IF APPLICABLE* The City Open Space Division of the City Parks and Recreation Department submitted a comment stating [no objection/objection] to the Application. [no objection/objection] to the Application. [(If applicable) describe objection]
26. *IF APPLICABLE* The City Aviation Department submitted a comment stating [no objection/objection] to the Application. [no objection/objection] to the Application. [(If applicable) describe objection]
27. *IF APPLICABLE* Kirtland Air Force Base submitted a comment stating [no objection/objection] to the Application. [no objection/objection] to the Application. [(If applicable) describe objection]
28. *IF APPLICABLE* [Other Commenting Agencies] submitted a comment stating [no objection/objection] to the Application. [no objection/objection] to the Application. [(If applicable) describe objection]

DECISION:

[APPROVAL(WITH OR WITHOUT CONDITIONS)/DENIAL/DEFERRAL/CONTINUANCE]
of a Variance of 5' to the minimum 10' side setback.

CONDITIONS OF APPROVAL:

[Delete if not applicable. If applicable, each condition must be supported by a finding.]

APPEAL:

If you wish to appeal this decision, you must do so by **September 18, 2025**. 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: [Applicant/Agent/other interested parties (including, without limitation, parties who submitted evidence or appeared at the ZHE hearing, and commenting agencies)]
ZHE File
Zoning Enforcement

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ZONING HEARING EXAMINER NOTICE OF DECISION

Special Exception Number: VA-2025-00023

Project Number: None

Hearing Date: 08-19-25

Closing of Public Record: 08-19-25

Date of Decision: 09-03-25

Case Description: Esmail Haidari & Gamar Asgharzardeh (Agent, Scott Anderson) requests a Variance of 2 feet to the minimum 5-foot side setback for Lot 90, Antelope Run Phase 3, located at 12008 Gazelle Place NE, zoned R-1 [IDO § 14-16-2-3(B)(2), Table 2-3-3]

On September 19, 2025, Scott Anderson (“Agent”) as agent for Esmail Haidari & Gamar Asgharzardeh (“Applicant”) was scheduled to appear before the Zoning Hearing Examiner (the “ZHE”) requesting a Variance of 2 feet to the 5-foot minimum side setback (“Application”) upon the real property located at 12008 Gazelle Place NE (the “Subject Property”). Below are the ZHE’s findings of fact and decision.

FINDINGS, VARIANCE TO MINIMUM SIDE SETBACK:

1. Applicant is requesting a Variance of 2 feet to the minimum 5-foot side setback, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“IDO”) § 14-16-6-6(O).
2. Applicant [has/does not have] authority to pursue this Application, IDO § 14-16-6-4(D).
3. Applicant [has/has not] duly authorized Agent to act on Applicant’s behalf regarding the Application.
4. Applicant [has/has not/is not required to offer] at least 1 meeting to Indian Nations, Tribes, and Pueblos no more than 1 calendar year before filing the application, pursuant to IDO § 14-16-6-4(B).
5. The Planning Director’s delegee has determined that the Application is complete as of [date], pursuant to IDO § 14-16-6-4(G).
6. The analyses and studies listed in IDO § 14-16-6-4(H) [were delivered/are not required].

7. The Application [was referred/was not required to be referred] to commenting agencies pursuant to IDO § 14-16-6-4(I).
8. The content of the notice of the Application [satisfies/does not satisfy] IDO § 14-16-6-4(J)(1).
9. Applicant [has/has not] 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).
10. Applicant [has/has not] sent mailed notice to all property owners within 100 feet of the subject property as required by IDO § 14-16-6-4(J)(3).
11. Applicant [has/has not] posted sign notice(s) as required by IDO § 14-16-6-4(J)(4).
12. The Subject Property is located in the R-1 zone district, which requires a 5-foot minimum side setback [Description of why Property Needs a Variance Approval].
13. Therefore, a Variance of 2 feet to the 5-foot minimum side setback [Variance Request Description] 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. [Applicant/Agent][appeared/failed to appear] at the [Date] ZHE hearing on the Application[and gave evidence in support of the Application].
18. Based on evidence submitted by or on behalf of Applicant, it appears that there [are/are not] 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 IDO § 14-16-6-6(O)(3)(a)(1). [Insert factual findings]

19. Based on evidence submitted by or on behalf of Applicant, the Variance [will not/will] be contrary to the public safety, health and welfare of the community as required by IDO § 14-16-6-6(O)(3)(a)(2). [Insert factual findings]
20. Based on evidence submitted by or on behalf of Applicant, the Variance [will not/will] cause significant adverse material impacts on surrounding properties or infrastructure improvements in the vicinity as required by IDO § 14-16-6-6(O)(3)(a)(3). [Insert factual findings]
21. Based on evidence submitted by or on behalf of Applicant, the Variance [will not/will] materially undermine the intent and purpose of the IDO or applicable zone district as required by IDO § 14-16-6-6(O)(3)(a)(4). [Insert factual findings]
22. Based on evidence submitted by or on behalf of Applicant, the Variance approved [is/is not] the minimum necessary to avoid extraordinary hardship or practical difficulties as required by IDO § 14-16-6-6(O)(3)(a)(5). [Insert factual findings]
23. The City Traffic Engineer submitted a comment stating [no objection/objection] to the Application. [(If applicable) describe objection]
24. *IF APPLICABLE* The City Landmarks Commission submitted a comment stating [no objection/objection] to the Application. [no objection/objection] to the Application. [(If applicable) describe objection]
25. *IF APPLICABLE* The City Open Space Division of the City Parks and Recreation Department submitted a comment stating [no objection/objection] to the Application. [no objection/objection] to the Application. [(If applicable) describe objection]
26. *IF APPLICABLE* The City Aviation Department submitted a comment stating [no objection/objection] to the Application. [no objection/objection] to the Application. [(If applicable) describe objection]
27. *IF APPLICABLE* Kirtland Air Force Base submitted a comment stating [no objection/objection] to the Application. [no objection/objection] to the Application. [(If applicable) describe objection]
28. *IF APPLICABLE* [Other Commenting Agencies] submitted a comment stating [no objection/objection] to the Application. [no objection/objection] to the Application. [(If applicable) describe objection]

DECISION:

[APPROVAL(WITH OR WITHOUT CONDITIONS)/DENIAL/DEFERRAL/CONTINUANCE]
of a Variance of 2 feet to the minimum 5-foot side setback.

CONDITIONS OF APPROVAL:

[Delete if not applicable. If applicable, each condition must be supported by a finding.])

APPEAL:

If you wish to appeal this decision, you must do so by **September 18, 2025**. 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: [Applicant/Agent/other interested parties (including, without limitation, parties who submitted evidence or appeared at the ZHE hearing, and commenting agencies)]
ZHE File
Zoning Enforcement