

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-2026-00125

Project Number: PR-2026-000162

Hearing Date: 09-15-26

Closing of Public Record: 09-15-26

Date of Decision: 09-30-26

Case Description: Eric Newton (Owner) & Jerome Garcia (Applicant) request a Variance of 5 feet to the required 10-foot street side setback, for Lot 51, Block 51, Academy Acres Unit 11, located at 6605 Welton Ct NE, zoned R-1 (E-18) IDO § 14-16-2 3(B)(2)

On September 15, 2026, Eric Newton (“Owner”) & Jerome Garcia (“Applicant”) were scheduled to appear before the Zoning Hearing Examiner (“ZHE”) requesting a Variance of 5 feet to the required 10-foot street side setback (“Application”) upon the real property located at 6605 Welton Court NE (“Subject Property”). Below are the ZHE’s findings of fact and decision.

FINDINGS:

1. Applicant requests a Variance of 5 feet from the required 10-foot street-side setback, allowing a minimum 5-foot street-side setback for a residential addition, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“IDO”) § 14-16-6-6(O). (Application Form; site plan; Applicant’s August 3, 2026 justification letter.)
2. Applicant owns the Subject Property and has authority to pursue the Application pursuant to IDO § 14-16-6-4(D). (Application Form and ownership information in the application record.)
3. Applicant duly authorized Jerome Garcia to act as Agent regarding the Application. (Application Form and agent-authorization materials.)
4. The Planning Director’s delegee determined the Application complete as of August 4, 2026, pursuant to IDO § 14-16-6-4(G). (City completeness record in the application file.)

5. The Application was forwarded to commenting agencies pursuant to IDO § 14-16-6-4(I). (Agency referral and comment materials in the application record.)
6. The content of the notice of the Application satisfies IDO § 14-16-6-4(J)(1). (Notice materials in the application record.)
7. The Office of Neighborhood Coordination identified no pertinent Neighborhood Association within 660 feet of the Subject Property; therefore, no electronic-mail notice was required under IDO § 14-16-6-4(J)(2). (Office of Neighborhood Coordination correspondence.)
8. Applicant provided evidence of mailed notice to all property owners within 100 feet of the Subject Property as required by IDO § 14-16-6-4(J)(3). (Mailed-notice materials in the application record; Applicant's sworn hearing testimony.)
9. Applicant provided evidence of posted sign notice as required by IDO § 14-16-6-4(J)(4). (Posted-sign materials in the application record; Applicant's sworn hearing testimony.)
10. The Subject Property is in the R-1 zone district and is a corner lot. The R-1 minimum side setback on the street side of a corner lot is 10 feet under IDO § 14-16-2-3(B)(2), Table 2-3-3, and IDO § 14-16-5-1(C)(1), Table 5-1-1. The submitted site plan places the residential addition 5 feet from the street-side property line. (Zoning map; application site plan.)
11. Therefore, the requested 5-foot reduction from the required 10-foot street-side setback is subject to Variance – ZHE review under IDO § 14-16-6-6(O)(1), and the ZHE is authorized to conduct the public hearing and decide the Application under IDO § 14-16-6-6(O)(2)(e).
12. IDO § 14-16-6-6(O)(3)(a) (Review and Decision Criteria – Variance) provides: “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 § 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 § 14-16-6-4(E)(4).
15. The Application must also satisfy the applicable general review and decision criteria in IDO § 14-16-6-4(M).

16. Applicant appeared at the September 15, 2026 ZHE hearing and gave sworn testimony in support of the Application. The ZHE finds that testimony credible. Together with the Application Form, August 3, 2026 justification letter, zoning and vicinity maps, site plan, photographs, notice documents, and agency comments, substantial evidence in the record establishes the facts stated in these findings.
17. The proposed residential addition remains part of the one single-family dwelling on the R-1 lot and will not create a second dwelling unit. It therefore complies with IDO § 14-16-4-3(B)(1)(a). (Application site plan, including the room identified as a second master suite; Applicant's sworn hearing testimony.)
18. IDO § 14-16-5-1(C)(2)(d) allows a contextual side setback for qualifying low-density residential development in an Area of Consistency based on Table 5-1-1 or adjacent primary-building side setbacks, whichever is least restrictive. Applicant confirmed at the hearing that the controlling street-side setback is 10 feet. Accordingly, the requested variance remains necessary. (Application materials; Applicant's sworn hearing testimony.)
19. The Subject Property's corner-lot location, frontage on Welton Court and Welton Drive, curved street-side lot line, and the existing placement of the dwelling and covered patio are special circumstances of this single lot that were not created by Applicant and do not apply generally to other R-1 property in the vicinity. Strict application of the 10-foot street-side setback creates practical difficulty in making a reasonable residential addition from the existing dwelling and covered-patio configuration. The criterion in IDO § 14-16-6-6(O)(3)(a)(1) is met. (Zoning and vicinity maps; site plan; photographs; Applicant's sworn hearing testimony.)
20. The residential addition will remain at least 5 feet from the street-side property line. Applicant testified that it will not obstruct traffic visibility, pedestrian travel, emergency access, or utilities, and the City Traffic Engineer stated no objection. The Variance will not be materially contrary to public safety, health, or welfare, and IDO § 14-16-6-6(O)(3)(a)(2) is met. (Site plan; Traffic Engineer comment; Applicant's sworn hearing testimony; hearing record.)
21. Applicant testified that the addition will not create significant drainage, grading, utility, privacy, shadowing, access, or infrastructure impacts. The site plan and photographs depict the addition's location and relationship to the existing dwelling, street-side property line, and surrounding property. The Variance will not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity, and IDO § 14-16-6-6(O)(3)(a)(3) is met. (Site plan and photographs; Applicant's sworn hearing testimony; hearing record.)
22. The Subject Property will remain in single-family residential use. The addition's scale, architecture, and residential character are compatible with the existing dwelling and surrounding low-density residential area. No Overlay Zone applies. The 5-foot setback, as conditioned, will not materially undermine the intent and purpose of the IDO or the R-1 zone district, and IDO § 14-16-6-6(O)(3)(a)(4) is met. (Zoning and vicinity maps; site plan and photographs; Applicant's sworn hearing testimony.)
23. The request is limited to a 5-foot reduction and retains a 5-foot street-side setback. Applicant testified that the existing dwelling and covered-patio configuration make alternative locations or lesser relief impracticable and that a 5-foot reduction is the least relief that permits the proposed addition. The Variance is the minimum necessary to avoid

- the practical difficulty, and IDO § 14-16-6-6(O)(3)(a)(5) is met. (Site plan; Applicant's sworn hearing testimony.)
24. The Applicant's justification is sound based on the substantial evidence identified above; therefore, IDO § 14-16-6-4(M)(1) is met.
 25. The specific review and decision criteria in IDO § 14-16-6-6(O)(3)(a)(1) through (5) are met; therefore, IDO § 14-16-6-4(M)(2) is met.
 26. IDO § 14-16-6-4(M)(3) does not supply a separate approval criterion here because IDO § 14-16-6-6(O)(3)(a) states more specific criteria for a Variance – ZHE. All other applicable IDO, DPM, Building Code, and permitting requirements remain in effect.
 27. Applicant testified that he has complied with applicable law, is not in default on a written agreement with the City, and has no unpaid City fee, charge, tax, special assessment, debt, or obligation. Based on that sworn testimony, no ground for denial under IDO § 14-16-6-4(M)(4) is established. (Applicant's sworn hearing testimony.)
 28. The City Traffic Engineer submitted a comment stating no objection to the Application. (Traffic Engineer comment.)
 29. Because the Variance is associated with the site plan submitted with the Application, IDO § 14-16-6-6(O)(2)(f) requires the granted Variance to be noted on the approved site plan or other approval. Requiring substantial conformance with that site plan and a minimum 5-foot street-side setback ensures that construction remains within the minimum relief found justified. This finding supports Condition 1.
 30. The application materials also depict or discuss carports, a circular driveway or additional curb cut, a parking area, a wall or fence, a pool, and a hot tub, but the noticed request is only the street-side-setback Variance for the residential addition. No separate approval for those features is granted by this decision. Carports remain subject to IDO § 14-16-5-5(F)(2)(a)3 and, where required, § 14-16-6-6(G); driveways, curb cuts, and parking areas remain subject to IDO § 14-16-5-3(C)(3)(b), § 14-16-5-5(F)(2)(a)1–2, and the DPM; pools remain subject to Table 5-1-4; and walls and fences remain subject to IDO § 14-16-5-7. Clarifying the limited scope of this approval prevents this Variance from being treated as approval of unreviewed improvements. This finding supports Condition 2.

DECISION:

APPROVAL WITH CONDITIONS of a Variance of 5 feet from the required 10-foot street-side setback, allowing a minimum 5-foot street-side setback for the residential addition shown on the site plan submitted with the Application.

CONDITIONS OF APPROVAL:

1. The residential addition shall be constructed substantially as shown on the site plan submitted with the Application and contained in the record and shall maintain a minimum 5-foot setback from the street-side property line. No portion of the addition may be located closer to that property line without separate approval.
2. This approval is limited to the 5-foot street-side-setback Variance for the residential addition. It does not approve any carport, circular driveway or additional curb cut, parking area, wall or fence, pool, or hot tub. Each such improvement remains subject to all separate applicable IDO, DPM, Building Code, and permitting requirements.

APPEAL:

If you wish to appeal this decision, you must do so by October 15, 2026. Pursuant to IDO § 14-16-6-4-(U), you must demonstrate that you have legal standing to file an appeal.

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/Owner – Eric Newton, newtonrentalsnm@gmail.com
Authorized Agent – Jerome Garcia, RREAppraisal@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