



**Planning and Zoning Board
Meeting
City of Rio Rancho
AGENDA
April 28, 2026
6:00 PM
City Council Chambers**

BOARD MEMBERS

Scottie Richardson, District 1, Chair	Andrea Hankins, District 5
Kevin Kofchur, District 2	Lisa Hardisty, District 6
VACANT, District 3	VACANT, At-Large
Robert Gabaldon, District 4, Vice-Chair	

MEETING INFORMATION

This meeting will be conducted in-person and virtually, as well as, streamed live on the City of Rio Rancho website at <https://rrnm.gov/2303/Watch-and-Download-City-Meetings>.

Join by Computer: <https://us06web.zoom.us/j/85180741871?pwd=T3BISHVpWkp6d3dDRmlHd3k2VzYvUT09>

Meeting ID: 851 8074 1871

Passcode: 026819

Pursuant to the Rules of Procedure, any person wishing to address the Board related to an item listed under Public Hearings or Discussion and Deliberation, shall register in person with the designated City staff person. No more than two (2) hours in total will be allotted for comments pertaining to a specific agenda item at any meeting. A majority vote of the Board members present may approve to extend the total amount of time allotted for public input related to a specific agenda item at a meeting.

Public input can be submitted in writing to the designated City staff person prior to the date of the meeting in which the item is scheduled to be heard; however, only public input received before 4 p.m. on the day of the meeting will be entered into the record prior to the meeting.

Notice under the ADA: If you have a disability and require special assistance to participate in this meeting, please contact the ADA Coordinator at 505-891-5003 or email legal@rrnm.gov. To request a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service please contact the ADA Coordinator at least forty-eight (48) hours prior to the meeting. Public documents, including the agenda and minutes, can be provided in an accessible format upon request. Open captioning will be available during the meeting and online webcast.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

CONSENT CALENDAR

There will be no discussion of these items unless a Board Member so requests, in which event the item will be moved to a discussion item on the regular agenda.

STAFF PRESENTATIONS, REPORTS AND COMMENTS

PUBLIC HEARINGS

Pursuant to the Rules of Procedure, all aggrieved persons, and materially relevant witnesses sponsored by such interested persons, wishing to address the Board shall register in person or via specified communications technology/equipment with the City staff person.

- 1. Variance.** The applicant, Albert Prada, requests approval of a Variance to the rear setback requirement for the subject property legally described as Mountain Hawk 28 Phase 1, Block 14, Lot 18 and physically located 6317 Bald Eagle Place NE. This request will allow for a 5.5 ft encroachment into the rear setback to allow for an existing 320 square foot gazebo. Staff contact is Tamarah Martinez and staff recommends denial.

[Location Map.pdf](#)

[Application and Justification Letter](#)

[Proposed Site Plan](#)

[Submitted Plans](#)

[Reproduction of Notices.pdf](#)

[Gazebo Picture 1](#)

[Gazebo Picture 2](#)

[Gazebo Picture 3](#)

[Gazebo Picture 4](#)

[Gazebo Picture 5](#)

[Neighborhood Support](#)

[Findings_6317_Bald_Eagle_BMB_4.22.docx](#)

DISCUSSION AND DELIBERATION

COMMENTS BY MEMBERS

PUBLIC FORUM

Any person wishing to address a board, commission, committee, or advisory body related to a non-agenda item shall register in person with the applicable City staff person. No more than two (2) hours in total will be allotted for public forum comments at any meeting. A majority vote of the board, commission, committee, or advisory body members present may approve to extend the total amount of time allotted for public forum at a meeting.

ADJOURNMENT



CITY OF RIO RANCHO COVER PAGE

**Legislation Item: 26-110-
00008**

AGENDA DATE:
April 28, 2026

DEPARTMENT:
Development Services

SUBJECT:
Variance. The applicant, Albert Prada, requests approval of a Variance to the rear setback requirement for the subject property legally described as Mountain Hawk 28 Phase 1, Block 14, Lot 18 and physically located 6317 Bald Eagle Place NE. This request will allow for a 5.5 ft encroachment into the rear setback to allow for an existing 320 square foot gazebo. Staff contact is Tamarah Martinez and staff recommends denial.

BACKGROUND AND ANALYSIS:

The applicant, Albert Prada, requests approval of a Variance to the rear setback requirement for the subject property located at 6317 Bald Eagle Place NE, legally described as Mountain Hawk 28 Phase 1, Block 14, Lot 18. The request would allow for a 5.5 foot encroachment into the rear setback to allow for an existing 320 square foot gazebo.

The subject property is zoned Special Use for R-3: Mixed Residential pursuant to Ordinance No. 31, Enactment 18-32, adopted by the Governing Body on November 14, 2018. The property consists of approximately 0.2781 acres and is situated just north of the intersection of Bald Eagle Loop NE and Bald Eagle Place NE, both classified as residential roads. The subject property abuts Westphalia Blvd NE, a minor arterial road, to the rear.

The lot was originally platted in January 2021, as recorded in Book 30, Pages 80-81. Additionally, the property is located within the Mountain Hawk Estates Master Plan, which was originally adopted in March 2001 and subsequently amended in December 2019.

The Applicant is requesting a reduction of the required 15-foot rear setback to 9.5 feet, resulting in an encroachment of 5.5 feet into the rear setback. The property has 10 foot Public Utility Easements (PUE's) in the front and rear of the property. This structure is encroaching 6 inches into the PUE. The existing gazebo was identified during a proactive patrol conducted by Code Enforcement, which led to the initiation of Code Enforcement Case No. 26-1402 for construction of a structure without the required building permit.

Since that time, the Applicant has submitted a Building Permit application, permit #26-2534. The proposed structure has been reviewed and approved by both the Building and Engineering divisions.

According to the justification letter submitted by the applicant, the reasons for the Variance request are as follows:

"This condition is due to site constraints and the practical layout of the property, which limits the

ability to meet the full setback requirement while maintaining functional use of the space. The variance requested is minimal in nature and does not negatively impact neighboring properties, access, drainage, or overall site safety. I fully acknowledge the presence of the 10-foot easement and understand its purpose. I also acknowledge and accept that any future work, maintenance, repair, or access required within this easement will be accommodated at my sole expense. I agree that I will not impede access to the easement and will assume full responsibility for any costs associated with modifications, removal, or restoration of improvements located within the variance area if such work becomes necessary."

REVIEW CRITERIA:

R.O. 2003, Section 150.06 Variance states: "(A) Variance from the strict application of area, height, dimension, distance, parking or setback requirements of this title may be allowed in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical condition where the strict application of the requirements of this title would result in a practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of his land or building. Practical difficulty or unnecessary hardship cannot be found when financial gain, loss or monetary savings, or mere inconvenience upon the property owner, or difficulty caused to one's personal comfort is the basis for the claim of hardship."

The subject property is not irregular in shape, narrow, shallow, or steep, and does not exhibit any exceptional physical conditions that would create a hardship preventing compliance with Chapter 154.50. The lot was platted in accordance with the requirements of the subject property's SU: Special Use zoning district and is capable of being developed in compliance with all applicable setback standards.

Furthermore, the strict application of the minimum 15-foot rear setback requirement would not create a hardship that deprives the property owner of reasonable use of the land. The property can be developed in compliance with the existing setback standards; therefore, the variance request does not meet the required hardship criteria. The requested variance is a result of a self-imposed condition, as the gazebo was constructed without the required permits and encroaches into the established setback.

SURROUNDING LAND USE/ZONING:

Properties surrounding the subject property in all four direction are within the Mountain Hawk Estates Master Plan and zoned SU: Special use for R-3: Mixed Residential per the same Ordinance as the subject property.

INTERDEPARTMENTAL/ INTERAGENCY REVIEW:

- DSD Planning & Zoning - Provided within this document
- DSD Engineering - Approval from utility owners should be obtained regarding placement on easement
- Parks, Recreation & Community Services - No Adverse Comments
- Fire and Rescue - No Adverse Comments
- SSCAFCA - No Adverse Comments
- MRCOG - No Adverse Comments

NOTIFICATIONS: Neighboring property owners within 100 ft of the subject property were sent certified mail of notice of the Planning and Zoning Board hearing, and property owners between 100-300 ft were sent notice of the hearing by postcard. A notice sign was erected on the subject property on April 21, 2026, as required by ordinance, and a legal notice was published in the

Albuquerque Journal on April 13, 2026. All notification requirements for this hearing have been met.

IMPACT:

The Development Services Department recommends that the Planning and Zoning Board deny the variance request, subject to the following findings and conditions:

GENERAL FINDINGS OF FACT:

1. In accordance with R.O. 2003 Section 150.06, the Planning and Zoning Board has jurisdiction over approval of variance requests.
2. Following procedures for a variance, proper notice of hearing on this matter was given.
3. The Applicant has the authority to make an application to request a Variance to the rear setback requirement.
4. Due process was provided to the applicant and adjacent property owners.

SPECIFIC FINDINGS OF DENIAL

1. The applicant has not adequately addressed the criteria for granting a Variance as set forth in R.O. 2003, Section 150.06.
2. The subject property is not exceptionally irregular, narrow, shallow or steep, nor do other exceptional physical conditions exist where the strict application of the requirements of this title would result in a practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of his land or building.

If the Planning and Zoning Board finds the Variance request is justified, approval may be based on the following findings:

SPECIFIC FINDINGS OF FACT AND CONDITIONS OF APPROVAL:

1. The applicant has adequately addressed the criteria for granting a Variance as set forth in R.O. 2003, Section 150.06.
2. The strict application of the 15 ft. rear setback requirement would create a hardship that would deprive the applicant of the reasonable use of their property.
3. The Variance will not adversely affect the public or surrounding properties.
4. The structure under Building Permit #26-2534, has been approved by and conforms to all applicable building and engineering codes.
5. The structure shall comply with all other zoning requirements under R.O 2003 154.50 and 154.70.
6. The property owner will get an encroachment agreement from all Utilities for encroaching on the rear PUE.

ALTERNATIVES:

The Planning and Zoning Board may:

1. Approve the Variance with Staff Recommendations and Conditions
2. Approve the Variance with Amendments to the recommendations and/or conditions.
3. Deny the Variance.
4. Postpone this item and continue the public hearing for the Variance in order to further review.

DEPARTMENT RECOMMENDATION:

Staff recommends the Planning and Zoning Board deny the requested Variance.

ATTACHMENT: [Location Map.pdf](#)

ATTACHMENT: [Application and Justification Letter](#)

ATTACHMENT: [Proposed Site Plan](#)

ATTACHMENT: [Submitted Plans](#)

ATTACHMENT: [Reproduction of Notices.pdf](#)

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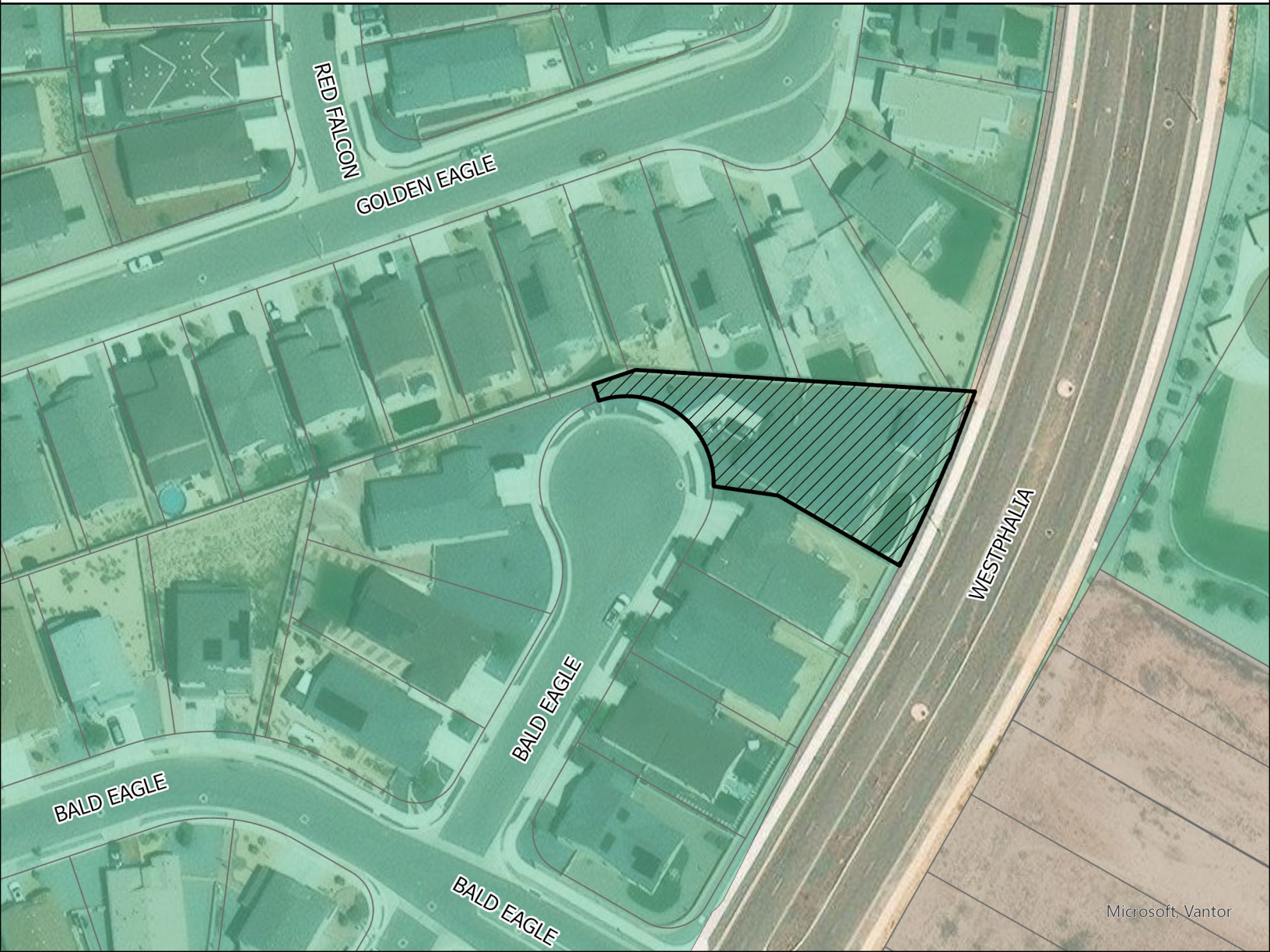
ATTACHMENT: [Gazebo Picture 4](#)

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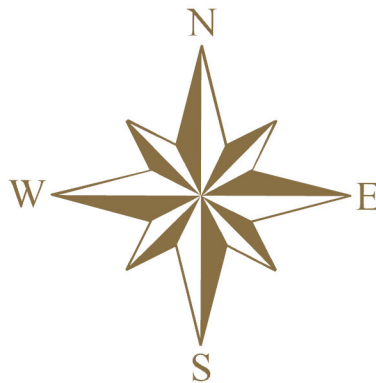
ATTACHMENT: [Neighborhood Support](#)

ATTACHMENT: [Findings_6317_Bald_Eagle_BMB_4.22.docx](#)

6317 BALD EAGLE PL NE
 HS28, BLOCK 14, LOT 18
 VARIANCE TO REAR SETBACK
 (SU: SPECIAL USE FOR R-3: MIXED RESIDENTIAL ZONING)



Microsoft, Vantor



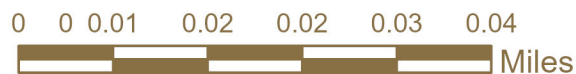
Legend

Zoning

- SU
- TZ
- Subject Property

DISCLAIMER: All information on this map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. This map is not a survey and should be used for graphical purposes only.

Map courtesy of Tamarah Martinez, 4/9/2026



ZONING VARIANCE PROCESS AND CHECKLIST

SUBMITTAL REQUIREMENTS (ALL INFORMATION MUST BE CLEAR AND LEGIBLE)

- Completed Land Use Application
- A letter of authorization from the property owner stating that he/she is aware of the zoning variance being requested and that the applicant may act as his/her agent, if the applicant is other than the property owner.
- Justification, including the scope of the request, and addressing criteria for granting a variance:
 - There exists a special circumstance(s) applicable to the property, including it exceptionally irregular size
 - Shape, too narrow, too shallow or steep
 - Other exceptional physical conditions whereby the strict application of the zoning ordinance requirements would result in a practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use his/her land or building
- An accurate site plan showing:
 - The location of any buildings on the property in relation to property lines and other buildings
 - Adjoining property, abutting streets and alleys, and a north directional arrow should be indicated
 - Property dimensions and site conditions
 - Parking spaces
 - Height of the structure

With the submittal of the application and checklist, the applicant attests that the following is submitted. Failure to provide the requested information or falsifying information may result in a continuance or denial of your case (attach additional sheet(s) if necessary).

Zoning Variance Justification Statement

I am respectfully requesting approval for a zoning variance related to the required setback on my property. The current structure is positioned approximately 9.5 feet from the property line, whereas the required setback is 15 feet. This encroachment occurs within an existing 10-foot easement area.

This condition is due to site constraints and the practical layout of the property, which limits the ability to meet the full setback requirement while maintaining functional use of the space. The variance requested is minimal in nature and does not negatively impact neighboring properties, access, drainage, or overall site safety.

I fully acknowledge the presence of the 10-foot easement and understand its purpose. I also acknowledge and accept that any future work, maintenance, repair, or access required within this easement will be accommodated at my sole expense. I agree that I will not impede access to the easement and will assume full responsibility for any costs associated with modifications, removal, or restoration of improvements located within the variance area if such work becomes necessary.

Granting this variance will allow reasonable use of the property while maintaining the intent of the zoning regulations and without detriment to the surrounding area.

Thank you for your consideration.

PLANNING & ZONING LAND USE APPLICATION

Please check appropriate box

Administrative Permit	Plan	Subdivision	Zoning
<input type="checkbox"/> Community Residential Care Facility	<input type="checkbox"/> Comprehensive Plan Amendment	<input type="checkbox"/> Final Plat	<input type="checkbox"/> Annexation
<input type="checkbox"/> Development Review Committee (DRC)	<input type="checkbox"/> Corridor Plan Amendment	<input type="checkbox"/> Preliminary Plat	<input type="checkbox"/> Appeal
<input type="checkbox"/> Home Occupation	<input type="checkbox"/> Master Plan	<input type="checkbox"/> Summary Plat	<input type="checkbox"/> Conditional Use Permit
<input type="checkbox"/> Model Home / Sales Office	<input type="checkbox"/> Master Plan Amendment	<input type="checkbox"/> Vacation of Plat/Street	<input type="checkbox"/> Master Sign Plan
<input type="checkbox"/> Residential Child Care Facility 6 or <	<input type="checkbox"/> Specific Area Plan Amendment	<input type="checkbox"/> Street Name Change	<input type="checkbox"/> Site Plan
<input type="checkbox"/> Sign Permit	<input type="checkbox"/> Text Amendment	<input type="checkbox"/> Subdivision Interpretation	<input type="checkbox"/> Special Exception
<input type="checkbox"/> Other		<input type="checkbox"/> Subdivision Variance	<input checked="" type="checkbox"/> Variance
			<input type="checkbox"/> Zone Map Amendment
			<input type="checkbox"/> Zoning Certification
			<input type="checkbox"/> Zoning Interpretation

Please Print in Ink Only or Type
Application must be complete. Please attach the appropriate checklist for the action you are requesting, if applicable.

APPLICANT/AGENT INFORMATION

Applicant Name: Albert Prada		Phone: 505-907-4406
Address: 6317 Bald Eagle PI NE		E-Mail: albertprada23@gmail
City: Rio Rancho	State: NM	Zip: 87144
Proprietary Interest:	List Owners:	
Deed or Ownership Verification Provided: (Initials)		Letter of Authorization Provided: (Initials)

Agent Name:		Phone:
Address:		E-Mail:
City:	State:	ZIP Code:


DESCRIPTION OF REQUEST: (PLEASE ADD ADDITIONAL SHEET(S) IF NECESSARY)

SITE INFORMATION: (PLEASE PROVIDE ACCURATE LEGAL DESCRIPTION)

Subdivision/Unit : Mountain Hawksite Unit 2C Phase 3	Block(s): 7	Lot(s): 18
Existing Zoning:	Proposed Zoning:	
No. of existing lots:	No. of proposed lots:	Total area of site (acres)

ACKNOWLEDGEMENT

I hereby acknowledge that I have read this entire application and affirm that all information provided is correct. I agree to comply with the requirements of the City of Rio Rancho as outlined in all applicable laws, ordinances and regulations.

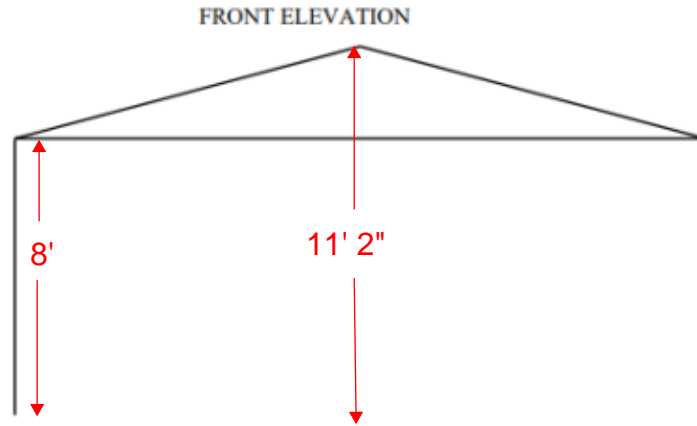
Print Name: Albert Prada	Applicant:	Agent:
Signature: 		Date: 3/23/20

FOR OFFICIAL USE ONLY

H.T.E. PROJECT #	FEE	RECEIPT #

APPLICATION ACCEPTED BY: _____ DATE: _____

Front Elevation

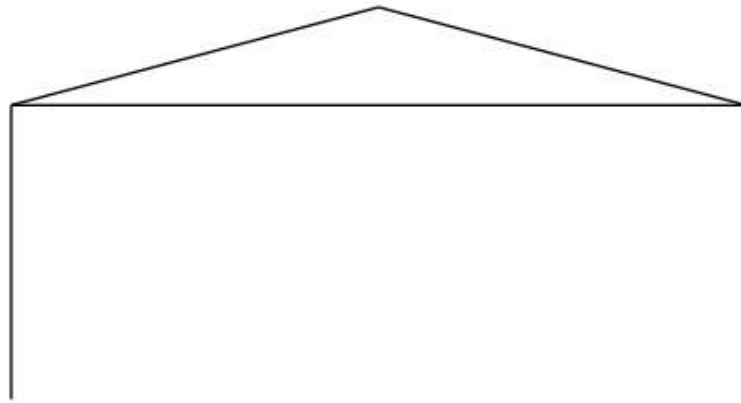


General Notes:

1. Verify site grading and base preparation prior to slab placement.
2. Posts to be anchored with embedded or surface mounted post bases.
3. All lumber to be pressure treated or rated for exterior exposure.
4. Metal roofing to be installed per manufacturer fastening schedule.
5. Confirm final dimensions and layout prior to construction.

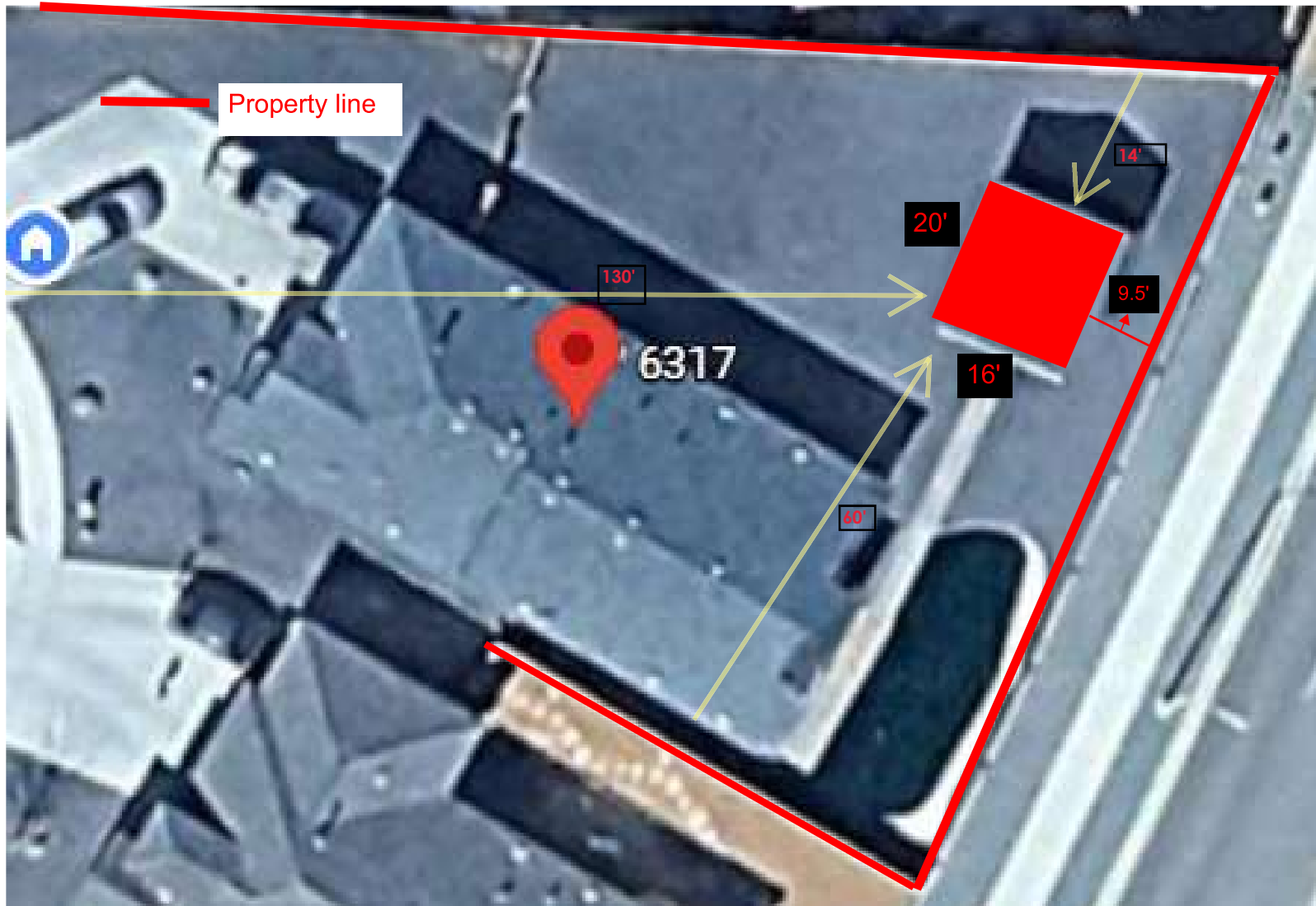
Front Elevation

FRONT ELEVATION

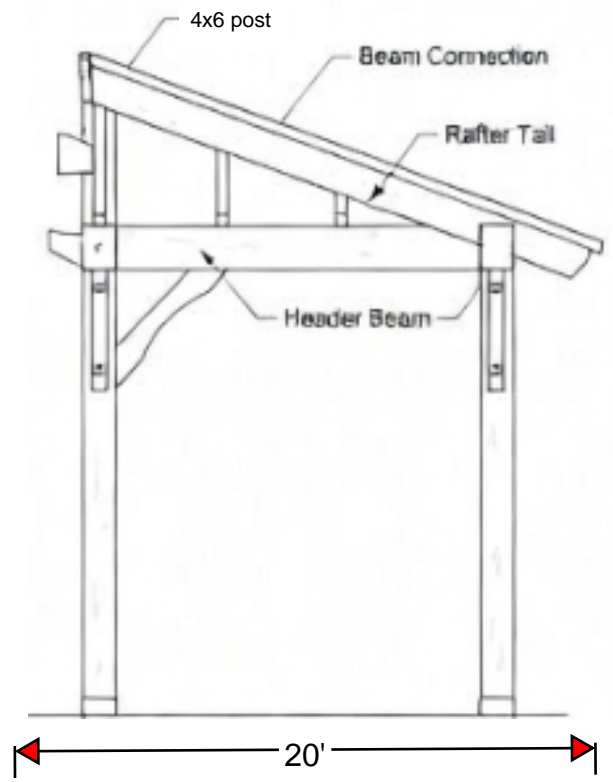
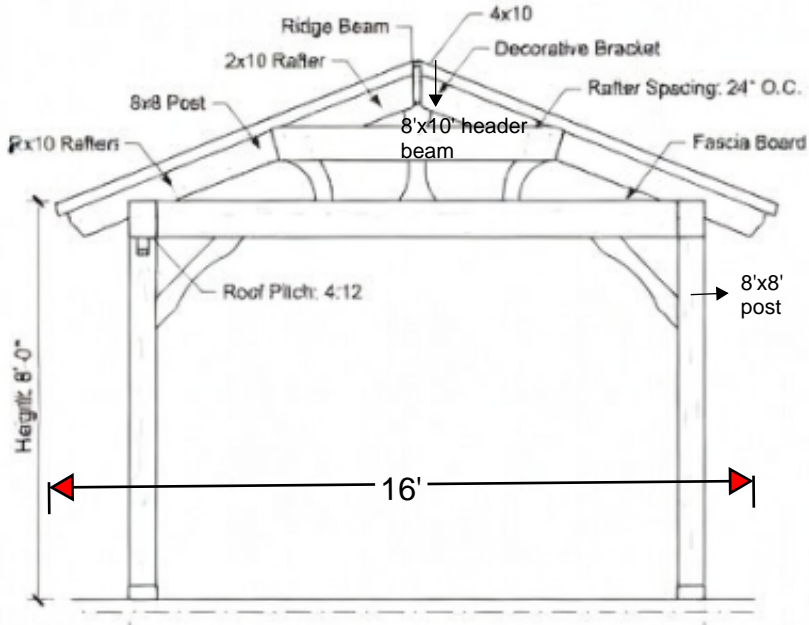


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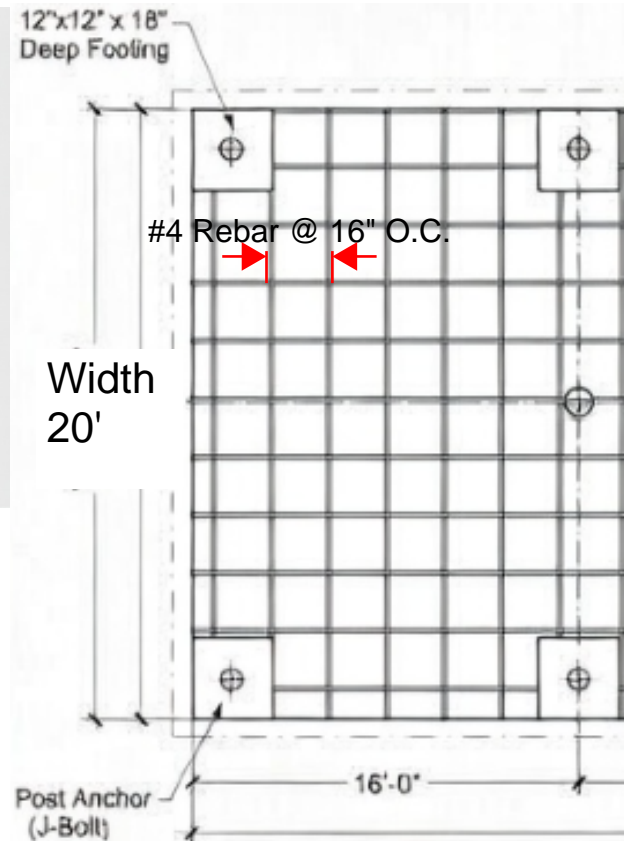
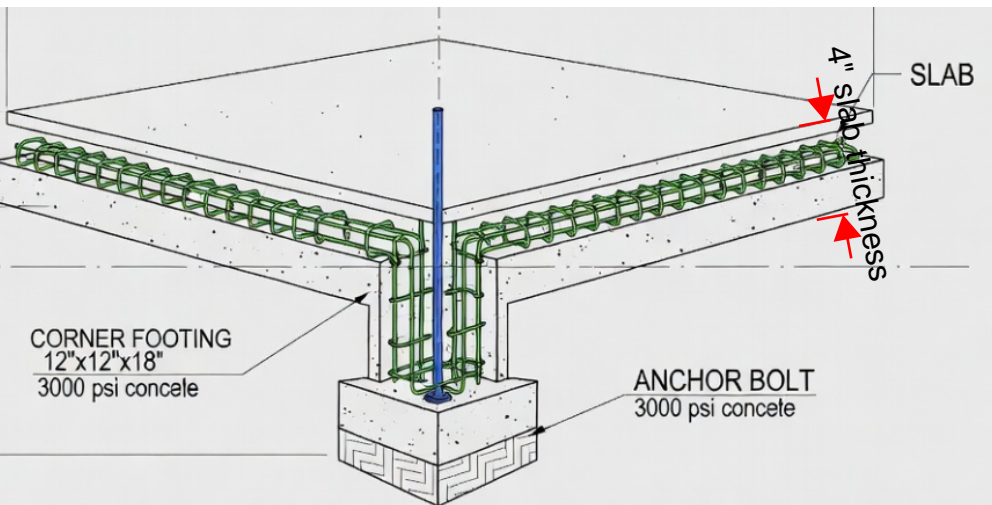
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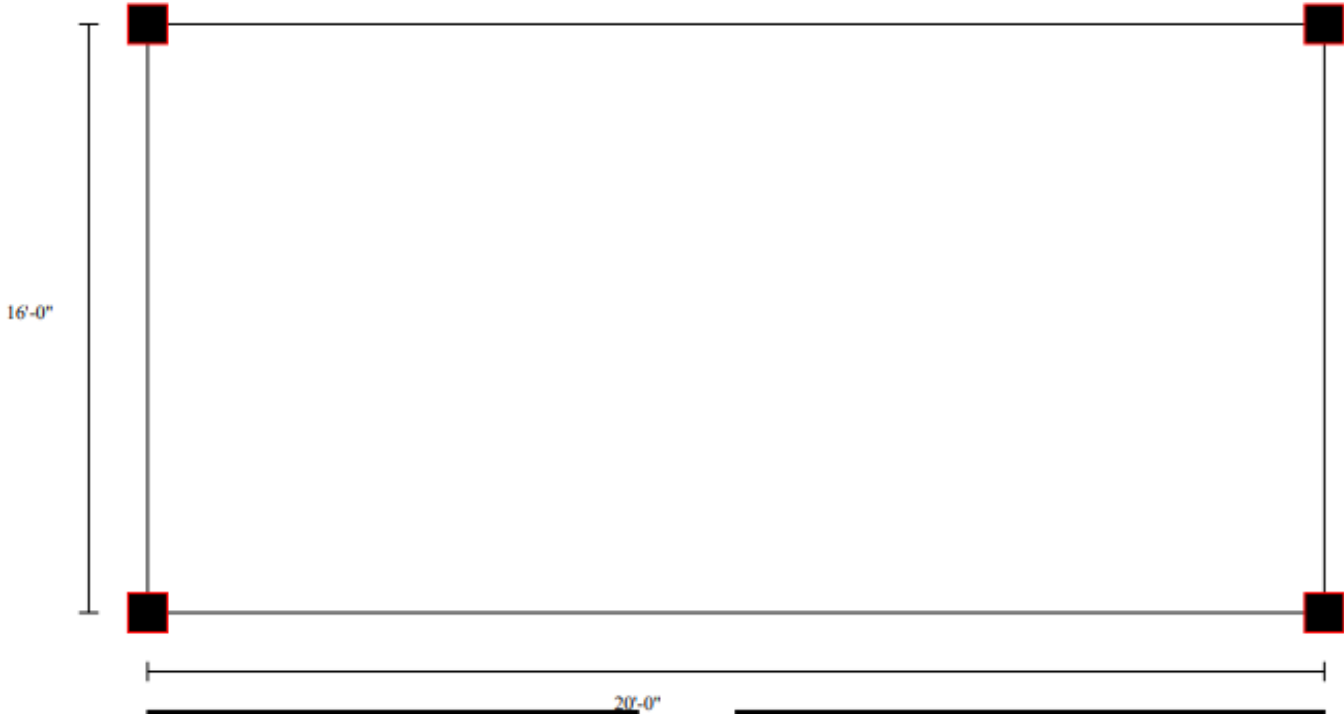
Roof Plan



Foundation Plan



Gazebo Foundation and Roof Plan



FOUNDATION PLAN

- Slab: 16' x 20' concrete slab (4" thick)
- Reinforcement: #4 rebar @ 16" O.C. each way
- Footings: (4) 24" x 24" x 12" deep
- Concrete: 3000 PSI min
- Posts: (4) 8"x8" anchored with (2) 1/2" bolts each - Anchor embedment: 7" min

ROOF PLAN

- Roof Type: Gable
- Rafters: 2x10 @ 24" O.C.
- Ridge Beam: 4x10 (min)
- Cross Beams: 10"x 8"
- Posts (4) : 8"x 8"
- Span: ~8'-10' rafters
- Roofing: Metal panels with ridge cap
- Connections: (2) knee braces at each corner + 1/2" through bolts
- Elevation: 8' to bottom of cross beam, 11' 2" to bottom of ridge beam

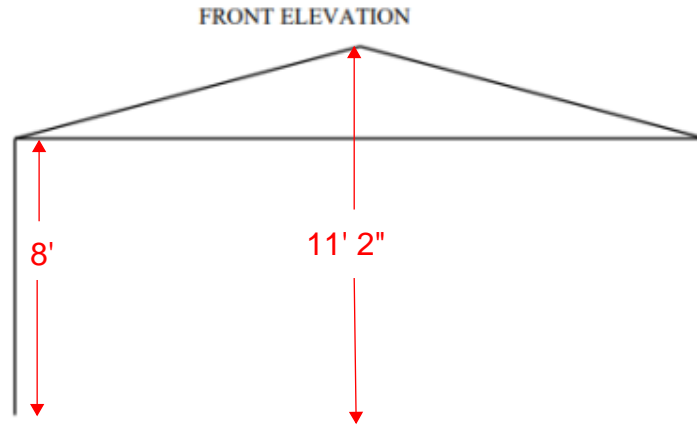
CITY OF BROWARD BUILDING INSPECTION DIVISION	
BUILDING	DATE
ELECTRICAL	DATE
MECHANICAL	DATE
PLUMBING	DATE

Permit Approval of these plans does not ensure the construction was built in accordance with the applicable provisions of the City of Broward Building Code and AMCA.

Plan Approval By: 

Date: 04/03/2026

Front Elevation



General Notes:

1. Verify site grading and base preparation prior to slab placement.
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5. Confirm final dimensions and layout prior to construction.



The City of Rio Rancho

Development Services

Planning Division

3200 Civic Center Circle NE

Rio Rancho, NM 87144

Phone (505) 891-5005 • Fax (505) 896-8994

April 14, 2026

RE: Variance; Case No. 26-110-00008
6317 Bald Eagle Place NE (HS28, Block 14, Lot 18)

Dear Property Owner:

You are receiving this certified notice because your property is located within 100 feet of a site where a land development decision is required by the Planning and Zoning Board.

The applicant, Albert Prada, requests approval of a Variance to the rear setback requirement on the subject property of 6317 Bald Eagle Place NE, legally described as Mountain Hawk 28 Phase 1, Block 14, Lot 18. This request will allow for an encroachment into the rear setback to allow for an existing 320 square foot gazebo. The subject property is zoned Special Use for R-3: Mixed Residential and is approximately 0.2781 acres.

The **Planning and Zoning Board** will consider the request and decide their approval on **Tuesday, April 28, 2026** at 6:00 pm at City Hall in the **Council Chambers**.

On the back of this letter is a location map of the project, with the subject property identified.

If you would like to comment on this application, you are encouraged to submit written comments ten (10) days prior to the hearing date to planning@rrnm.gov. Those wishing to provide comment during the hearing must register in person or by Zoom with applicable City staff person no later than fifteen (15) minutes prior to the scheduled start time of the hearing. This hearing will be hybrid, information is available on the City's website under Agendas and Minutes. The City highly encourages citizens to watch the meeting live on the City's website www.rrnm.gov or on Sparklight cable channel 56.

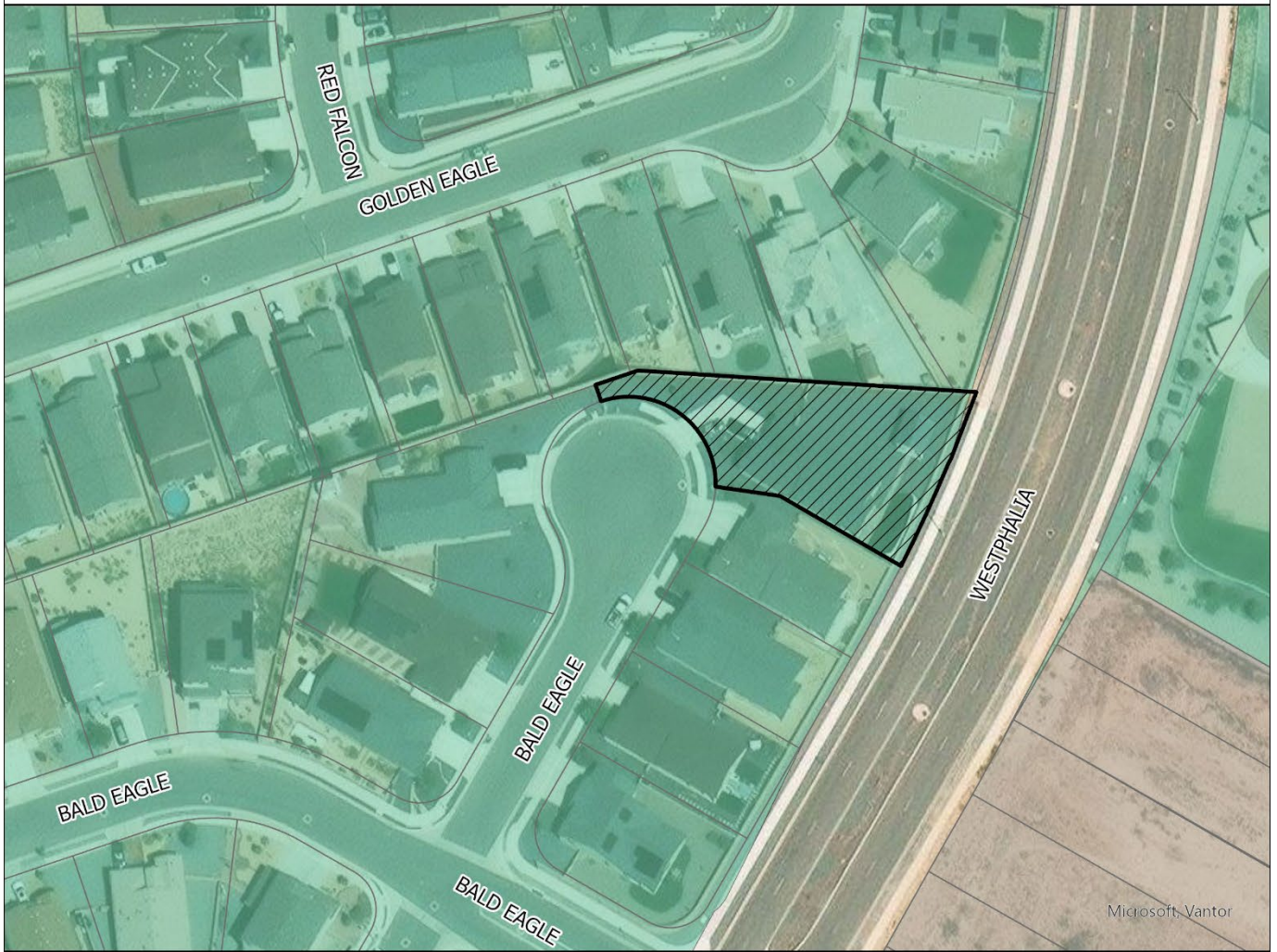
Please contact me via e-mail me at tamartinez@rrnm.gov. or call me at 505-896-8793 if you have any questions concerning this matter.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the City Clerk, 505-891-5004, as soon as possible prior to the meeting. Please contact the City Clerk if a summary or other type of accessible format is needed.

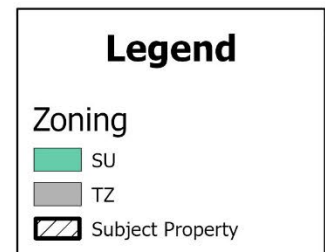
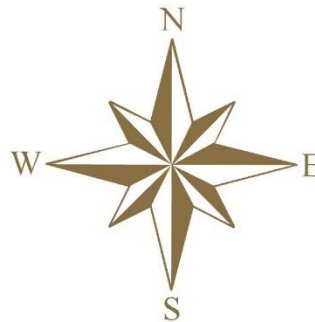
Respectfully,

Tamarah Martinez
Municipal Planner I
Development Services Department
Planning Division
City of Rio Rancho

6317 BALD EAGLE PL NE
HS28, BLOCK 14, LOT 18
VARIANCE TO REAR SETBACK
(SU: SPECIAL USE FOR R-3: MIXED RESIDENTIAL ZONING)



Microsoft, Vantor



DISCLAIMER: All information on this map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. This map is not a survey and should be used for graphical purposes only.





Development Services Department
3200 Civic Center Circle NE, Suite 130
Rio Rancho NM, 87144
Phone: (505) 891-5005
Fax: (505) 896-8994

NOTICE OF PUBLIC HEARING

Meeting: Planning & Zoning Board

Location: Virtual (Zoom)/City Hall

Date: **April 28, 2026**

Time: 6:00PM

Staff Contact: Tamarah Martinez
(505) 896-8793
tamartinez@rrnm.gov



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Rio Rancho NM, 87144
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Location: Virtual (Zoom)/City Hall

Date: **April 28, 2026**

Time: 6:00PM

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Application Information

You are receiving this notice because your property abuts a site where a land development decision is required by the Planning and Zoning Board. The applicant, Albert Prada, requests approval of a Variance to the rear setback requirement on the subject property of 6317 Bald Eagle Place NE, legally described as Mountain Hawk 28 Phase 1, Block 14, Lot 18. This request will allow for an encroachment into the rear setback to allow for an existing 320 square foot gazebo. The subject property is zoned Special Use for R-3: Mixed Residential and is approximately 0.2781 acres. The PZB will hear the request on April 28, 2026.

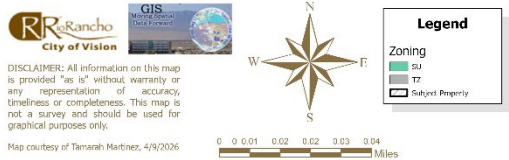
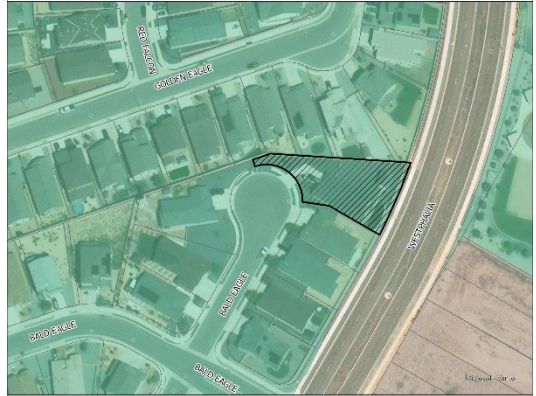
If you'd like to present comments on the case while the meeting is occurring, please join the meeting from your computer, tablet or smartphone:

<https://us06web.zoom.us/j/85180741871?pwd=T3B1SHVpWkp6d3dDRmlHd3k2VzYvUT09>

Meeting ID: 851 8074 1871 Passcode:

026819 Join via phone: 1-253-215-8782 US

6317 BALD EAGLE PL NE
11528, BLOCK 14, LOT 18
VARIANCE TO REAR SETBACK
(SU: SPECIAL USE FOR R-3: MIXED RESIDENTIAL ZONING)



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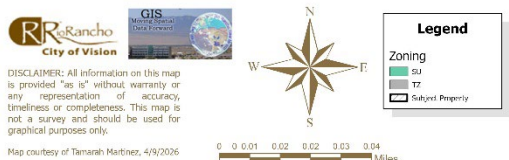
If you'd like to present comments on the case while the meeting is occurring, please join the meeting from your computer, tablet or smartphone:

<https://us06web.zoom.us/j/85180741871?pwd=T3B1SHVpWkp6d3dDRmlHd3k2VzYvUT09>

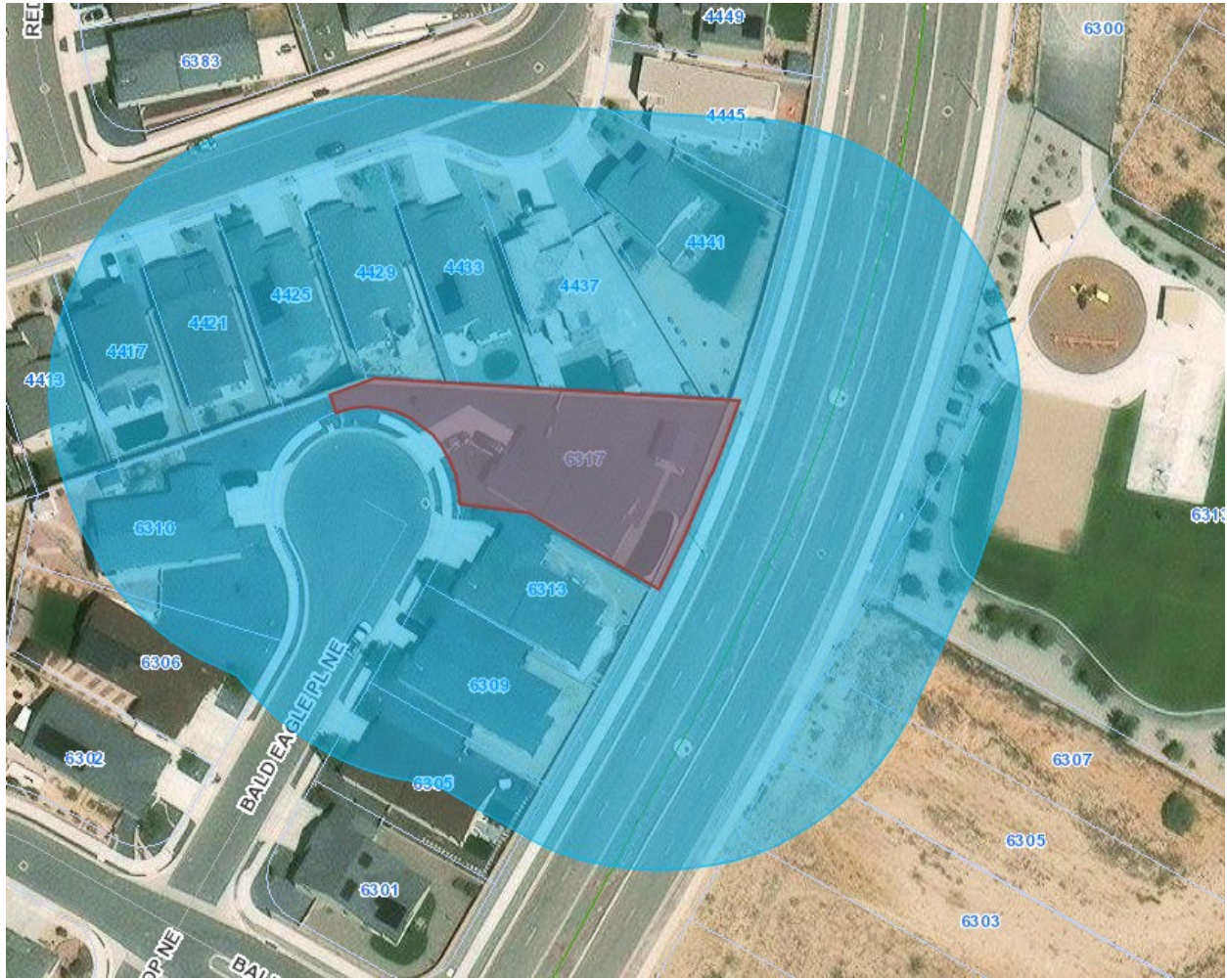
Meeting ID: 851 8074 1871 Passcode:

026819 Join via phone: 1-253-215-8782 US

6317 BALD EAGLE PL NE
11528, BLOCK 14, LOT 18
VARIANCE TO REAR SETBACK
(SU: SPECIAL USE FOR R-3: MIXED RESIDENTIAL ZONING)



Certified Letter Buffer Zone -100'



Informational Postcard Buffer Zone – 100-300'



**Variance
Request #26-110-00008**

The applicant, Albert Prada, requests approval of a Variance to the rear setback requirement at the property 6317 Bald Eagle Place NE, legally described as Mountain Hawk 28 Phase 1, Block 14, Lot 18. This request will reduce the 15 ft. setback to 9.5ft. The subject property is zoned Special Use for R-3: Mixed Residential and is approximately 0.2781 acres











From: [Russell Contreras](#)
To: [Tamarah B Martinez](#)
Subject: Gazebo: 6317 Bald Eagle Pl NE
Date: Monday, April 20, 2026 2:32:37 PM

You don't often get email from russell.contreras@gmail.com. [Learn why this is important](#)

Ms. Martinez,

This letter is in support of the gazebo erected at 6317 Bald Eagle Pl NE, Rio Rancho, N.M., at the home owned by Albert Prada. I received a certified letter from the City of Rio Rancho about the gazebo, and as a neighbor who lives next door, I do not have a problem with it.

The Pradas have been good neighbors to the community and look out for their elder neighbors on the street. Their gazebo does not interfere with any of my views or any concerns about my property. The Pradas have been open and transparent about any property changes with neighbors and I don't see any problems.

I appreciate the due diligence from the city.

--

Russell Contreras
6313 Bald Eagle Pl NE, Rio Rancho, NM 87144
(917) 520-9210 cell
russell.contreras@gmail.com
twitter: @ruscontreras

From: [Azupuri Kaba](#)
To: [Tamarah B Martinez](#)
Subject: Re: Variance: 26-110-000088 Comment
Date: Thursday, April 16, 2026 7:14:44 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[png-img-5eb08a6b-8e3e-4756-ac9a-9724d8c89026.png](#)

You don't often get email from azupuri.kaba12@outlook.com. [Learn why this is important](#)

Tamarah,

Thanks for the additional information. I am ok with my neighbor keeping his pergola.

Please let me know if you have additional any questions.

Thank you

Kaba



Azupuri G. A. Kaba, PhD, PE, PMP
Principal Geotechnical Engineer

1209 Mountain Road PL NE
Albuquerque, NM 87110

Phone: [\(505\) 541-5773](tel:(505)541-5773)
Email: azupuri.kaba@geoenggroup.com
geoenggroup.com

From: Tamarah B Martinez <tamartinez@rrnm.gov>
Sent: Tuesday, April 14, 2026 3:12:41 PM
To: Azupuri Kaba <azupuri.kaba12@outlook.com>
Subject: RE: Variance: 26-110-000088 Comment

Good afternoon,

I am the Planner assigned to this Case.

The request is to allow for an encroachment into the rear setback requirement to allow for the existing pergola.

Please let me know if you would like additional information.

Thanks,



Tamarah Martinez

Municipal Planner I

Development Services / Planning and Zoning

O: 505.896.8793

RRNM.gov |



From: Azupuri Kaba <azupuri.kaba12@outlook.com>

Sent: Tuesday, April 14, 2026 1:21 PM

To: Planning <Planning@rrnm.gov>

Subject: Variance: 26-110-000088 Comment

Hi,

I live in the area potentially affected by the above-referenced variance and have a question.

Is the variance requesting approval to construct the pergola at less 5-foot setback from the property line? I would appreciate additional details on exactly what the variance is proposing.

Any information will be helpful

Thank you

Kaba

From: [Jesse Wilson](#)
To: [Planning](#)
Date: Thursday, April 16, 2026 2:37:11 PM

Some people who received this message don't often get email from radarblast@hotmail.com. [Learn why this is important](#)

RE: Variance; Case No. 26-110-00008

Jesse and Erica Wilson
6310 Bald Eagle Pl NE
Rio Rancho, NM 87144

We have no objection to an encroachment to allow for an existing Gazebo. It doesn't present an eye soar or limit visibility.

Thank you,
Jesse and Erica Wilson

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)



**BEFORE THE PLANNING and ZONING BOARD
OF THE
CITY OF RIO RANCHO, NEW MEXICO
FINDINGS OF FACT FOR APPROVAL
Case No. 26-110-00008**

REQUEST FOR A VARIANCE TO THE 15 FOOT REAR SETBACK REQUIREMENT PER SUBJECT PROPERTY’S ZONING ORDINANCE, O. 31, ENACT. NO. 18-32, FOR THE PROPERTY LOCATED AT 6317 BALD EAGLE PLACE NE (MOUNTAIN HAWK 28 PHASE 1, BLOCK 14, LOT 14)

Applicant(s): Albert Prada

THIS MATTER, having come before the Planning & Zoning Board of the City of Rio Rancho, New Mexico on the 28th day of April 2026, the Planning & Zoning Board having taken evidence and considered the merits, has determined and found:

GENERAL FINDINGS OF FACT:

1. In accordance with R.O. 2003 Section 150.06, the Planning and Zoning Board has jurisdiction over approval of a Variance request.
2. Following procedures for a variance, proper notice of hearing on this matter was given.
3. The applicant has the authority to make an application to request a Variance to the rear setback requirement.
4. Due process was provided to the applicant and the adjacent property owners.

SPECIFIC FINDINGS OF FACT AND CONDITIONS OF DENIAL:

1. The applicant has not adequately addressed the criteria for granting a Variance as set forth in R.O. 2003 Section 150.06.
2. The lot is not irregular in shape, narrow, shallow, or steep and does not have an exceptional physical condition that is preventing the applicant from complying with the zoning code.

THEREFORE, the application for a Variance to the corner lot side requirement for the property located at 4280 Addison Dr NE, **is DENIED** by the Planning and Zoning Board of the City of Rio Rancho on April 28, 2026, subject to the conditions, restrictions and stipulations specified above.

Date

Planning & Zoning Chairman



**BEFORE THE PLANNING and ZONING BOARD
OF THE
CITY OF RIO RANCHO, NEW MEXICO
FINDINGS OF FACT FOR DENIAL
Case No. 26-110-00008**

**REQUEST FOR A VARIANCE TO THE 15 FOOT REAR SETBACK
REQUIREMENT PER SUBJECT PROPERTY'S ZONING ORDINANCE, O. 31,
ENACT. NO. 18-32, FOR THE PROPERTY LOCATED AT 6317 BALD EAGLE
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3. The applicant has the authority to make an application to request a Variance to the rear setback requirement.
4. Due process was provided to the applicant and the adjacent property owners.

SPECIFIC FINDINGS OF FACT AND CONDITIONS OF APPROVAL:

1. The applicant has adequately addressed the criteria for granting a Variance as set forth in R.O. 2003, Section 150.06.
2. The strict application of the 15 ft. rear setback requirement would create a hardship that would deprive the applicant of the reasonable use of their property.
3. The Variance will not adversely affect the public or surrounding properties.
4. The structure under Building Permit #26-2534, has been approved by and conforms to all applicable building and engineering codes.
5. The structure shall comply with all other zoning requirements under R.O 2003 154.50 and 154.70.
6. The property owner will get an encroachment agreement from all Utilities for encroaching on the rear PUE.

THEREFORE, the application for a Variance to the corner lot side requirement for the property located at 4280 Addison Drive NE, **is APPROVED** by the Planning and Zoning Board of the City of Rio Rancho on April 28, 2026, subject to the conditions, restrictions and stipulations specified above.

Date

Planning & Zoning Chairman