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MZP-2025-00003, MZP-2025-00016 (Appeal)

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CITY OF ALBUQUERQUE

Albuquerque, New Mexico

Planning Department

Mayor Timothy M. Keller

INTER-OFFICE MEMORANDUM

August 15, 2025

TO: Brook Bassan, President, City Council

FROM: Alan Varela, Planning Director

Jeremy Keiser
Jeremy Keiser (Aug 15, 2025 10:00:02 MDT)

SUBJECT: AC-25-02, PR-2025-020042, MZP-2025-00003 & VA-2025-00015: Cynthia Hernandez (“Applicant”) appeals the Zoning Hearing Examiner’s decision to DENY a Permit – Wall or Fence – Major and a Variance of 3 feet to the maximum 3-foot wall height in the front yard for the property located at 3421 Abbey Ct NW, zoned R-T.

OVERVIEW

On May 20, 2025, property owner Cynthia Hernandez (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a Permit – Wall or Fence – Major and a Variance of 3 feet to the maximum wall height in the front yard for the property located at 3421 Abby Ct NW.

The ZHE denied the Applicant’s requests in a written decision dated June 4, 2025.

The Appellant timely filed an appeal of the ZHE’s decisions prior to the appeal deadline of June 19, 2025. As the property owner and applicant for the original applications that were denied, the appellant has standing to appeal the decisions.

BASIS FOR APPEAL

IDO § 14-16-6-4(U)(4) outlines the applicable criteria for the appeal in determining whether the ZHE erred in its decision:

6-4(U)(4) Criteria for Decision

The criteria for review of an appeal shall be whether the decision-making body or the prior appeal body made 1 of the following mistakes:

6-4(U)(4)(a) The decision-making body or the prior appeal body acted fraudulently, arbitrarily, or capriciously.

6-4(U)(4)(b) The decision being appealed is not supported by substantial evidence.

6-4(U)(4)(c) The decision-making body or the prior appeal body erred in applying the requirements of this IDO (or a plan, policy, or regulation referenced in the review and decision-making criteria for the type of decision being appealed).

STAFF RESPONSE

Reasons for the appeal excerpted from Appellant's letter are listed in quotes below, with bulleted, italicized responses from the Planner for the ZHE. In general, the appellant asserts that the ZHE erred when concluding that application does not meet the requirement that 20% of properties within 330 feet have a taller wall or fence and relying on that failure to deny both applications.

“Additional Evidence: I will provide supplemental evidence demonstrating that there are at least three properties within the required area that have walls or fences extending 3 ft and 3 ft fences and I will attach the pictures with addresses of each one.”

The applicant submitted an additional list of addresses and photographs of walls and fences in the area surrounding the subject property. Staff notes that there are no measured heights for the walls provided, and there is clear variation in heights. Some comprise view fencing, and some are opaque like the applicant's. Many are also located on nearby streets, but not on the cul-de-sac where the applicant's property is located. The ZHE made several relevant findings:

ZHE Finding #10. IDO Section 14-16-6-6(H)(3) (Review and Decision Criteria for a Permit-Wall or Fence- Major) reads: “An application for a Permit – Wall or Fence - Major shall be approved if the following criteria are met [:]

Finding #10(a)3. The wall is proposed on a lot that meets any of the following criteria:

For a front yard wall taller than allowed in Table 5-7-1, at least 20 percent of the properties with low-density residential development with a front yard abutting the same street as the subject property and within 330 feet of the subject property along the length of the street the lot faces have a front yard wall or fence over 3 feet. This distance shall be measured along the street from each corner of the subject property's lot line, and the analysis shall include properties on both sides of the street.

Finding #14. Based on photographs, maps and oral evidence presented by Applicant, it appears that Applicant did not satisfy the requirement that at least 20 percent of the properties within 330 feet of the lot where the wall or fence is being requested have a wall or fence over 3 feet in the front yard area. The proximity map prepared by the Planning Department establishes that there are 15 properties within 330 linear feet of the Subject Property, which would require that at least 3 properties of those 15 have a wall or fence over 3 feet in the front yard area. Applicant testified and submitted photographic evidence that there are only 2 such properties within the required area.

Other than the applicant's taller fence, there are only 2 clearly taller fences pictured that are also located on Abbey Ct. NW. Others that are located on Alpha Ave. and Nova Ct. do not appear to qualify, as they are not front yards on the same street as the applicant's property. Specific measurements may be needed for other fences that appear shorter to confirm whether they are actually taller than 3 feet.

“Compliance with Regulations: My application meets all other criteria set forth in Section 14-16-6-6(H)(3) of the City Code, and I have fully complied with all notification and submission procedures. To allow the 6 ft fence and/ or 3 ft for the safety of the children that assist to the home day care.”

As noted by the ZHE, all requirements must be met, and the ZHE found that one of the criteria was not satisfied, leading to denial.

ZHE Finding #15. Because Applicant failed to establish the 20% requirement under ID Section 14-16-6-6(H)(3), and all requirements under 14-16-6-6(H)(3) must be met to obtain approval, the Application must be denied.

Further, the ZHE denied the accompanying variance after finding that both the permit and variance are necessary to allow the proposed fence. IDO § 14-16-6-6(H)(1)(b) requires that requests for walls taller than allowed as a Permit – Wall or Fence – Major also require a Variance. Similar language about requiring a variance is also found in IDO §14-16-5-7(D)(1)(b). Since the wall permit request was denied, the variance was also denied.

The applicant’s 6-foot opaque wall located on the property line (less than 10 feet from the property line) does not meet the design options for a taller wall as allowed by Table 5-7-2 as a Permit – Wall or Fence – Major. Without a variance, a Permit – Wall or Fence – Major allows either a 5-foot maximum height with view fencing if located less than 10 feet from the lot line or a 6-foot maximum height with view fencing if located at least 10 feet from the property line. A courtyard wall is allowed to be opaque but must be located at least 10 feet from the property line.

When the wall does not meet the specific design criteria for a major wall permit, the applicant must also apply for a variance. The ZHE has interpreted these IDO requirements to mean that both applications, and both approvals, must occur together.

IDO §14-16-5-7(D)(1)(b) Requests for walls taller than allowed by Table 5-7-1 and § 14-16-5-7(D)(3) (Exceptions to Maximum Wall Height) ... must obtain a Variance approval and shall meet the additional requirements in Subsection 14-16-5-7(E)(2) (Articulation and Alignment).

*IDO §14-16-5-7(D)(3)(a)2: “where wall height in any front or street side yard is restricted to 3 feet by Table 5-7-1, a request for a taller wall **that meets the height and location standards in Table 5-7-2** shall require [a] Permit – Wall or Fence – Major...” [emphasis added].*

Planning staff has explained to applicants that a taller wall (taller than allowed by Table 5-7-1 and taller and closer to the lot line than allowed by Table 5-7-2) requires both applications: a Permit – Wall or Fence – Major and a Variance. Clarification is needed whether an applicant can request a variance to maximum wall height in Table 5-7-1 without also applying for a Permit – Wall or Fence – Major if the desired wall will also exceed what’s allowed by Table 5-7-2. If so, assuming that an applicant would be able to satisfy applicable variance criteria, the applicant could then request a Permit – Wall or Fence – Minor without having to meet the review and decision criteria in IDO §14-16-6-6(H)(3).

In other words, all of the following options would be open to an applicant:

- *Apply for a variance to allow the wall as designed without an application for a Permit – Wall or Fence – Major (i.e., taller and closer to the property line than would otherwise be allowed by Table 5-7-2) and without needing to meet the decision criteria in IDO § 14-16-6-6(H)(3).*
- *Apply for a Permit – Wall or Fence – Major to allow a wall as limited by the design options in Table 5-7-2 without needing to apply for a variance and only needing to meet the decision criteria in §14-16-6-6(H)(3).*
- *Apply for a Permit – Wall or Fence – Major AND a variance to allow a wall taller and closer than allowed by the design options in Table 5-7-2 if the decision criteria for both applications can be met.*

If the ZHE findings are confirmed, any wall taller than Table 5-7-1 requires an application for Permit – Wall or Fence – Major, and any wall taller and closer to the property line than allowed by Table 5-7-2 would also require an application for Variance. Any property that cannot meet the decision criteria for a Permit – Wall or Fence – Major may not have any wall over 3 feet tall in a front or street side yard regardless of any circumstances or physical property constraints. Confirming the correct interpretation and intent of the rules is important so that staff can properly advise future applicants and make recommendations to the ZHE.

“Petition Letter”: *The Applicant submitted a signed petition with 27 names and addresses supporting their taller fence. As a petition is not necessarily germane to the appeal, staff have not done any analysis on the sufficiency of these signatures or the proximity of these neighbors to the subject site.*

/ Adam Sena /

Adam Sena, Senior Planner
City of Albuquerque Planning Department

/ Michael Vos /

Michael Vos, AICP, Principal Planner
City of Albuquerque Planning Department







3421 Abbey Ct NW Appeal Memo

Final Audit Report

2025-08-15

| | |
|-----------------|---|
| Created: | 2025-08-15 |
| By: | Lucinda Montoya (lucindamontoya@cabq.gov) |
| Status: | Signed |
| Transaction ID: | CBJCHBCAABAAMVke2kDyxBYiiCsm1tjuxWztYu7ZfNT |

"3421 Abbey Ct NW Appeal Memo" History

-  Document created by Lucinda Montoya (lucindamontoya@cabq.gov)
2025-08-15 - 3:50:24 PM GMT
-  Document emailed to jkeiser@cabq.gov for signature
2025-08-15 - 3:50:28 PM GMT
-  Email viewed by jkeiser@cabq.gov
2025-08-15 - 3:58:44 PM GMT
-  Signer jkeiser@cabq.gov entered name at signing as Jeremy Keiser
2025-08-15 - 4:00:00 PM GMT
-  Document e-signed by Jeremy Keiser (jkeiser@cabq.gov)
Signature Date: 2025-08-15 - 4:00:02 PM GMT - Time Source: server
-  Agreement completed.
2025-08-15 - 4:00:02 PM GMT



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

Cynthia Hernandez requests a Tall Wall Permit – Major for 14, Block 2, Katherine Village, located at 3421 Abbey Ct NW, zoned R-T (G-11) [IDO Section 14-16-5-7(D)(1), Table 5-7-1].

Special Exception No:... MZP-2025-00003
Project No:..... PR-2025-020042
Hearing Date:..... 05/20/2025
Closing of Public 05/20/2025
Record:
Date of Decision:..... 06/04/2025

On May 20, 2025, Cynthia Hernandez (“**Applicant**”) was scheduled to appear before the Zoning Hearing Examiner (the “**ZHE**”) requesting a Permit-Wall or Fence-Major (“**Application**”) upon the real property located at 3421 Abbey Ct NW (the “**Subject Property**”). Below are the ZHE’s findings and decision:

FINDINGS:

1. Applicant is requesting a Permit-Wall or Fence-Major, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“**IDO**”) Section 14-16-6-6(H).
2. Applicant has authority to pursue this Application, pursuant to 14-16-6-4(D).
3. The Planning Director’s delegee has determined that the Application is complete, pursuant to IDO Section 14-16-6-4(G).
4. The content of the notice of the Application satisfies IDO Section 14-16-6-4(J)(1).
5. Applicant sent an electronic mail notice 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).
6. Applicant sent mailed notice to all property owners within 100 feet of the subject property as required by IDO Section 14-16-6-4(J)(3).
7. Applicant posted sign notice(s) as required by IDO Section 14-16-6-4(J)(4).
8. The Subject Property is located in the R-T zone district and is used for residential purposes.
9. Therefore, a wall or fence on the Subject Property requires a Permit-Wall or Fence-Major pursuant to IDO Subsection 14-16-6-6(H).
10. IDO Section 14-16-6-6(H)(3) (Review and Decision Criteria for a Permit-Wall or Fence-Major) reads: “*An application for a Permit – Wall or Fence - Major shall be approved if the following criteria are met[:]*”
 - (a) *The wall is proposed on a lot that meets any of the following criteria:*
 1. *The lot is at least ½ acre.*
 2. *The lot fronts a street designated as a collector, arterial, or interstate highway.*
 3. *For a front yard wall taller than allowed in Table 5-7-1, at least 20 percent of the properties with low-density residential development*

with a front yard abutting the same street as the subject property and within 330 feet of the subject property along the length of the street the lot faces have a front yard wall or fence over 3 feet. This distance shall be measured along the street from each corner of the subject property's lot line, and the analysis shall include properties on both sides of the street.

4. *For a street side yard wall taller than allowed in Table 5-7-1, at least 20 percent of the properties with low-density residential development with a side yard abutting the same street as the subject property and within 330 feet of the subject property along the length of the street the lot faces have a street side yard wall or fence over 3 feet. This distance shall be measured along the street from each corner of the subject property's lot line, and the analysis shall include properties on both sides of the street.*
 - (b) *The proposed wall would strengthen or reinforce the architectural character of the surrounding area.*
 - (c) *The proposed wall would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community.*
 - (d) *The design of the wall complies with any applicable standards in Section 14-16-5-7 (Walls and Fences), including but not limited to Subsection 14-16-5-7(E)(2) (Articulation and Alignment), Subsection 14-16-5-7(E)(3) (Wall Design), and both of the following criteria:*
 1. *The wall or fence shall not block the view of any portion of any window on the front façade of the primary building when viewed from 5 feet above ground level at the centerline of the street in front of the house.*
 2. *The design and materials proposed for the wall or fence shall reflect the architectural character of the surrounding area.*
11. 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).
12. 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).
13. Applicant appeared at the May 20, 2025 ZHE hearing on the Application and gave evidence in support of the Application.
14. Based on photographs, maps and oral evidence presented by Applicant, it appears that Applicant did not satisfy the requirement that at least 20 percent of the properties within 330 feet of the lot where the wall or fence is being requested have a wall or fence over 3 feet in the front yard area. The proximity map prepared by the Planning Department establishes that there are 15 properties within 330 linear feet of the Subject Property, which would require that at least 3 properties of those 15 have a wall or fence over 3 feet in the front yard area. Applicant testified and submitted photographic evidence that there are only 2 such properties within the required area.
15. Because Applicant failed to establish the 20% requirement under ID Section 14-16-6-6(H)(3), and all requirements under 14-16-6-6(H)(3) must be met to obtain approval, the Application must be denied.

DECISION:

DENIAL of a Permit-Wall or Fence-Major.

APPEAL:

If you wish to appeal this decision, you must do so by June 19, 2025, 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: ZHE File
Zoning Enforcement
Cynthia Hernandez, hcynthia35@gmail.com
Lorenzo Hernandez, 1719 Avenida Real, ABQ, NM, 87105
Nicki Montoya, 3417 Abbey Court, ABQ, NM, 87120
Victoria Garcia, 350 Abajo Road, ABQ, NM, 87102



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

Cynthia Hernandez requests a Variance of 3ft to the allowed 3ft wall height in the front yard for Lot 14, Block 2, Katherine Village, located at 3421 Abbey Ct, zoned R-T (G-11) [IDO Section 14-16-5-7(D)(1), Table 5-7-1].

Special Exception No:... VA-2025-00015
Project No:..... PR-2025-020042
Hearing Date:..... 05/20/2025
Closing of Public 05/20/2025
Record:
Date of Decision:..... 06/04/2025

On May 20, 2025, Cynthia Hernandez (“**Applicant**”) was scheduled to appear before the Zoning Hearing Examiner (the “**ZHE**”) requesting a Variance of 3ft to the allowed 3ft wall height in the front yard (“**Application**”) upon the real property located at 3421 Abbey Ct. NW (the “**Subject Property**”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a Variance of 3ft to the allowed 3ft wall height in the front yard, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“**IDO**”) Section 14-16-6-6(O).
2. Applicant Made a companion application for a Permit-Wall or Fence-Major, MZP-2025-00003, also listed under PR-2025-020042, which companion application was denied by the ZHE pursuant to a Notification of Decision dated the same date as this Notification of Decision.
3. IDO Section 6-6(H)(1)(b) requires that “[r]equests for walls taller than allowed as a Permit – Wall or Fence – Major also require a Variance.”
4. Applicant is requesting a 6-foot tall wall, which is taller than the 5-foot maximum that could be applied for under a Permit – Wall or Fence – Major.
5. Therefore, both the Permit – Wall or Fence – Major and the variance must be approved to allow Applicant’s request.
6. Because the Permit – Wall or Fence – Major application was denied, this Application for a variance must also be denied.

DECISION:

DENIAL of a Variance of 3ft to the allowed 3ft wall height in the front yard.

APPEAL:

If you wish to appeal this decision, you must do so by June 19, 2025, 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.

A handwritten signature in dark ink, appearing to read "Robert Lucero".

Robert Lucero, Esq.
Zoning Hearing Examiner

cc: ZHE File
Zoning Enforcement
Cynthia Hernandez, hcynthia35@gmail.com
Lorenzo Hernandez, 1719 Avenida Real, ABQ, NM, 87105
Nicki Montoya, 3417 Abbey Court, ABQ, NM, 87120
Victoria Garcia, 350 Abajo Road, ABQ, NM, 87102

Cynthia Heranandez
3421 Abbey Cort NW
Albuquerque, NM, 87120
hcynthia35@gmail.com
505 480 6354

Date: 06/12/2025

Planning and Zoning Department
City of Albuquerque
Albuquerque, NM

Subject: Confirmation of Applicant and Property Owner for Permit-Wall or Fence-Major
Application 3ft and 6 ft.

Property: 3421 Abbey Ct NW, Albuquerque NM 87120

Case Number: MZP-2025-00003/ VA-2025-00015

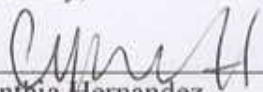
To Whom It May Concern,

I, Cynthia Hernandez, hereby confirm that I am the property owner of the real property located at 3421 Abbey Ct NW. I was the applicant who submitted the original Permit-Wall or Fence-Major application that was denied by the Zoning Hearing Examiner on June 04, 2025. The hearing was made on May 20, 2025.

Please consider this letter as official confirmation of my status as both applicant and property owner for the referenced cases.

Thank you for your attention to this matter.

Sincerely,



Cynthia Hernandez



For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

IDO Zone Atlas May 2018



IDO Zoning information as of May 17, 2018

The Zone Districts and Overlay Zones are established by the Integrated Development Ordinance (IDO).



Gray Shading Represents Area Outside of the City Limits

Zone Atlas Page:

G-11-Z

- Easement
- Escarpment
- Petroglyph National Monument
- Areas Outside of City Limits
- Airport Protection Overlay (APO) Zone
- Character Protection Overlay (CPO) Zone
- Historic Protection Overlay (HPO) Zone
- View Protection Overlay (VPO) Zone

0 250 500 1,000 Feet

Cynthia Herandez
3421 Abbey Court, NW
Albuquerque NM, 87120
hcynthia35@gmail.com
505480 6354

Date: 06/12/2025

Planning and Zoning Department
City of Albuquerque
Albuquerque, NM

Subject: Appeal of Denial for Permit-Wall or Fence-Major
Property: 3421 Abbey Ct NW
Case Number: MZP-2025-00003 / VA-2025-00015

Dear Appeals Committee,

I, Cynthia Hernandez ("Applicant"), hereby formally appeal the decision issued on May 20, 2025, by the Zoning Hearing Examiner (ZHE), which denied my application for a Permit-Wall or Fence-Major and requesting a variance of 3 ft to allowed 3 ft wall height in the front yard at the property located at 3421 Abbey Ct NW (the "Subject Property").

Grounds for Appeal:

The decision was primarily based on the finding that I did not meet the requirement that at least 20% of the properties within 330 feet have a front yard wall or fence over 3 feet in height and 3 feet. However, I respectfully request reconsideration of this conclusion for the following reasons:

1. **Additional Evidence:** I will provide supplemental evidence demonstrating that there are at least three properties within the required area that have walls or fences extending 3ft and 3ft fences and I will attach the pictures with addresses of each one.

Exceeding 3ft fences:

- 3428 Abbey Court NW, Albuquerque, NM 87120
- 3420 Abbey Court NW, Albuquerque, NM 87120
- 3421 Abbey Court NW, Albuquerque, NM 87120
- 3405 Nova Court NW, Albuquerque, NM 87120
- 5124 Alpha Ave NW, Albuquerque, NM 87120
- 3420 Nova Court NW, Albuquerque, NM 87120
- 3498 Nova Court NW, Albuquerque, NM 87120

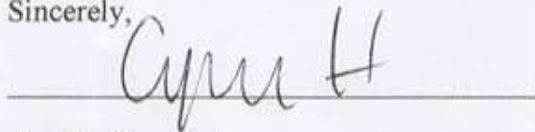
3ft Fences:

- 3417 Abbey Court NW, Albuquerque, NM, 87120
 - 3413 Abbey Court NW, Albuquerque, NM, 87120
 - 3409 Abbey Court NW, Albuquerque, NM, 87120
 - 3405 Abbey Court NW, Albuquerque, NM, 87120
 - 3401 Abbey Court NW, Albuquerque, NM, 87120
 - 3412 Abbey Court NW, Albuquerque, NM, 87120
 - 3429 Abbey Court NW, Albuquerque, NM, 87120
 - 3416 Corona Dr NW, Albuquerque, NM 87120
 - 3412 Alpha Ave NW, Albuquerque, NM 87120
 - 3413 Nova Cout NW, Albuquerque, NM 87120
2. **Positive Impact:** The proposed fence will reinforce the architectural character of the neighborhood and improve the safety and privacy of my property which is a home daycare with permission approve from the city of Albuquerque which is a commercial place without causing harm to adjacent properties.
 3. **Compliance with Regulations:** My application meets all other criteria set forth in Section 14-16-6-6(H)(3) of the City Code, and I have fully complied with all notification and submission procedures. To allow the 6 ft fence and/ or 3ft for the safety of the children that assist to the home day care.
 4. **Petition Letter:** I am submitting a petition letter to maintain the 6ft fence and /or 3 ft fence, that I believe is essential for safety and privacy for my family and the children. The petition letter also provides signatures from the community, neighbors and parents that bring their children to day care.

I respectfully ask that my case be re-evaluated based on this additional information and that approval of the requested permit be reconsidered. I will make any modification if necessary for the 6 ft wall, moving the 6ft wall closer to the building leaving more space by the side wall, removing every other panel from the front. I am committed to complying with the city's regulations regarding fence specifications, height, and placement, and I would appreciate your guidance on the specific requirements needed to obtain the necessary permit.

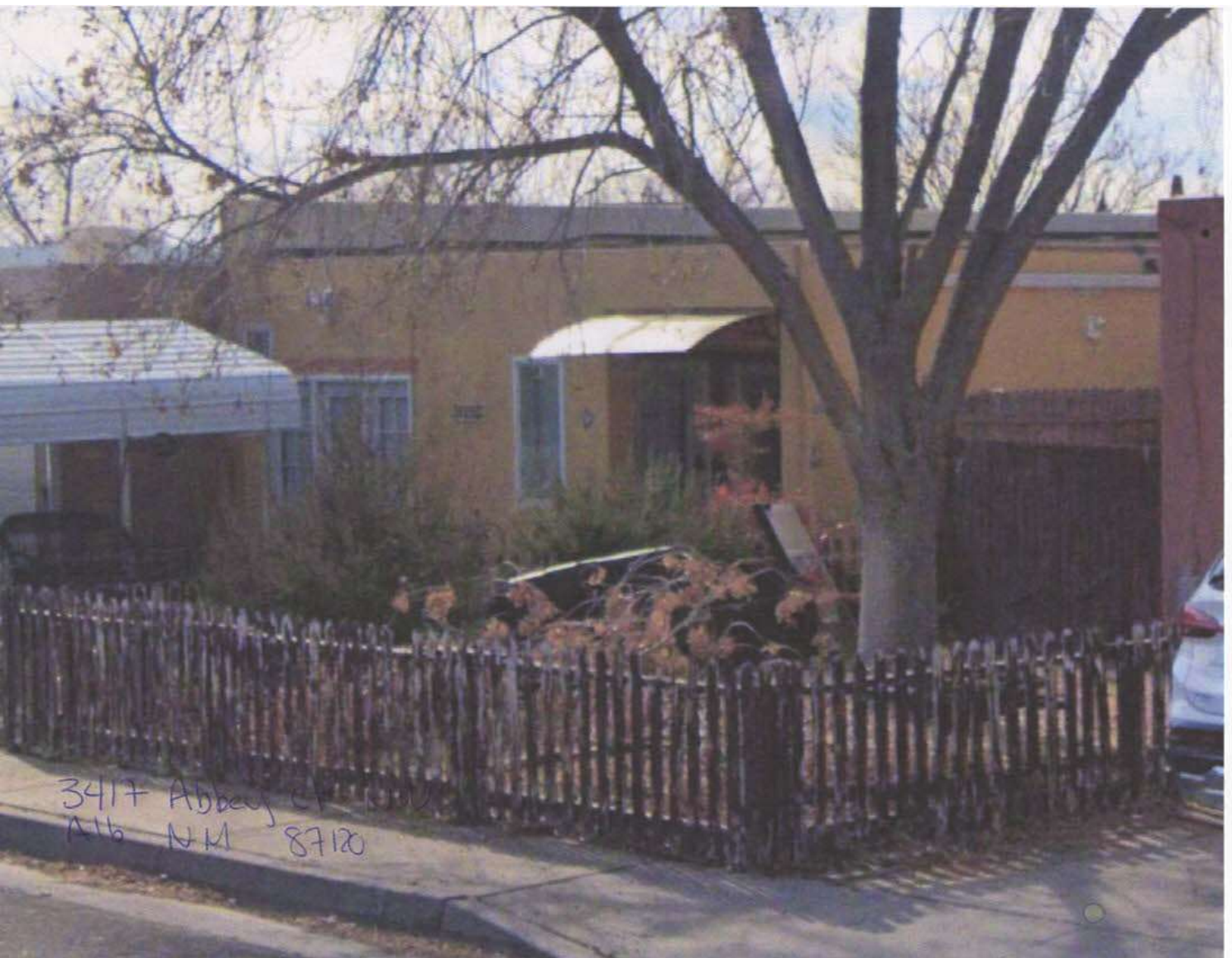
Thank you for your time and consideration. I am available to provide any further information or to appear at an appeal hearing if required.

Sincerely,



Cynthia Hernandez
(505) 480 6354










3412 Abby Court NW
Alb NM 87120





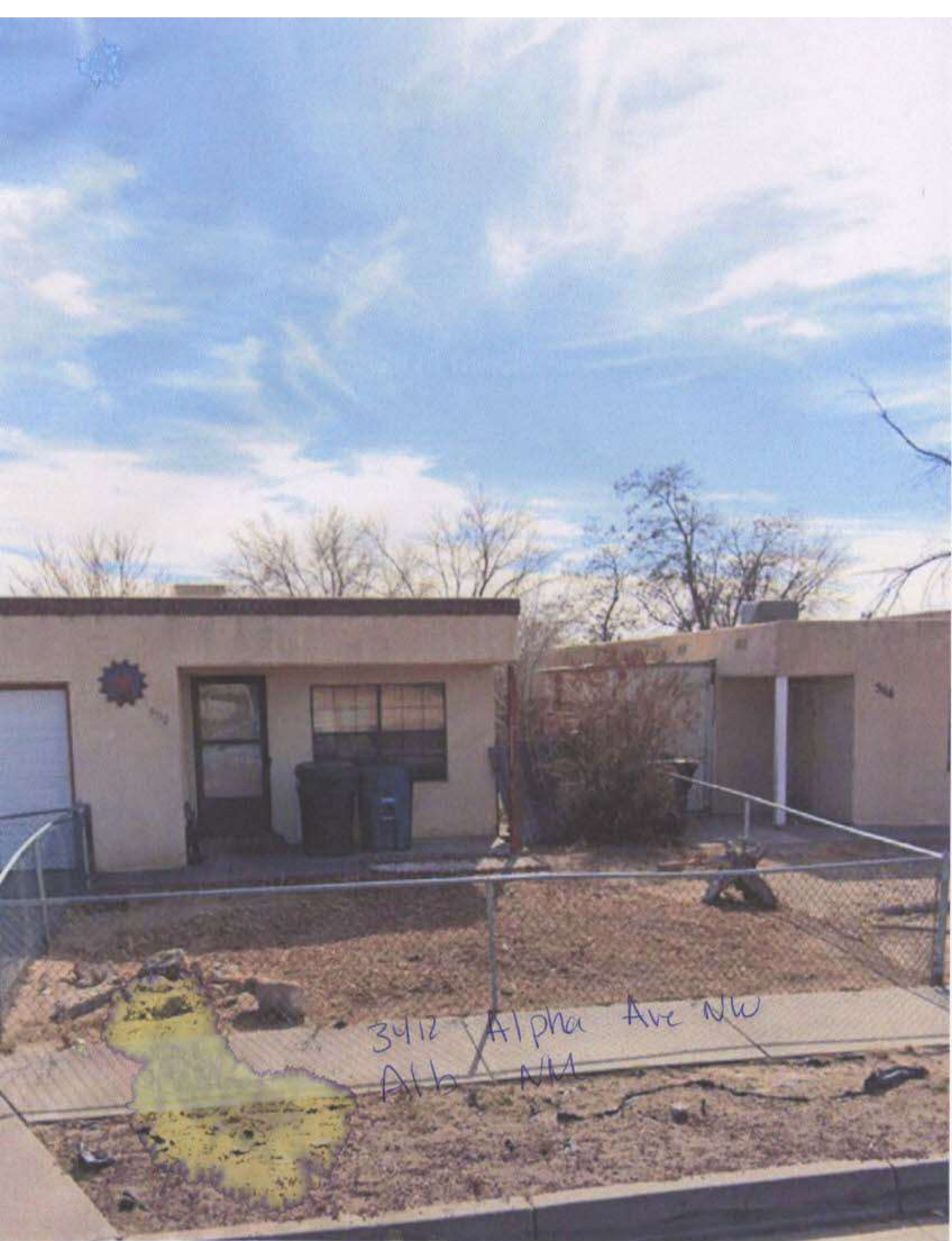
3405 Abbey Ct NW
Alb WM 57120

3409 Abbey Ct NW
Alb NM SA 20

A photograph of a residential building with a handwritten address label. The building is a two-story structure with a light-colored upper section and a darker lower section. A white car is parked in front of the building, partially obscured by a black metal fence. The address label is written in blue ink on a white background. The text on the label is "3413 Abbey Ct NW" and "Albuquerque NM 87120".

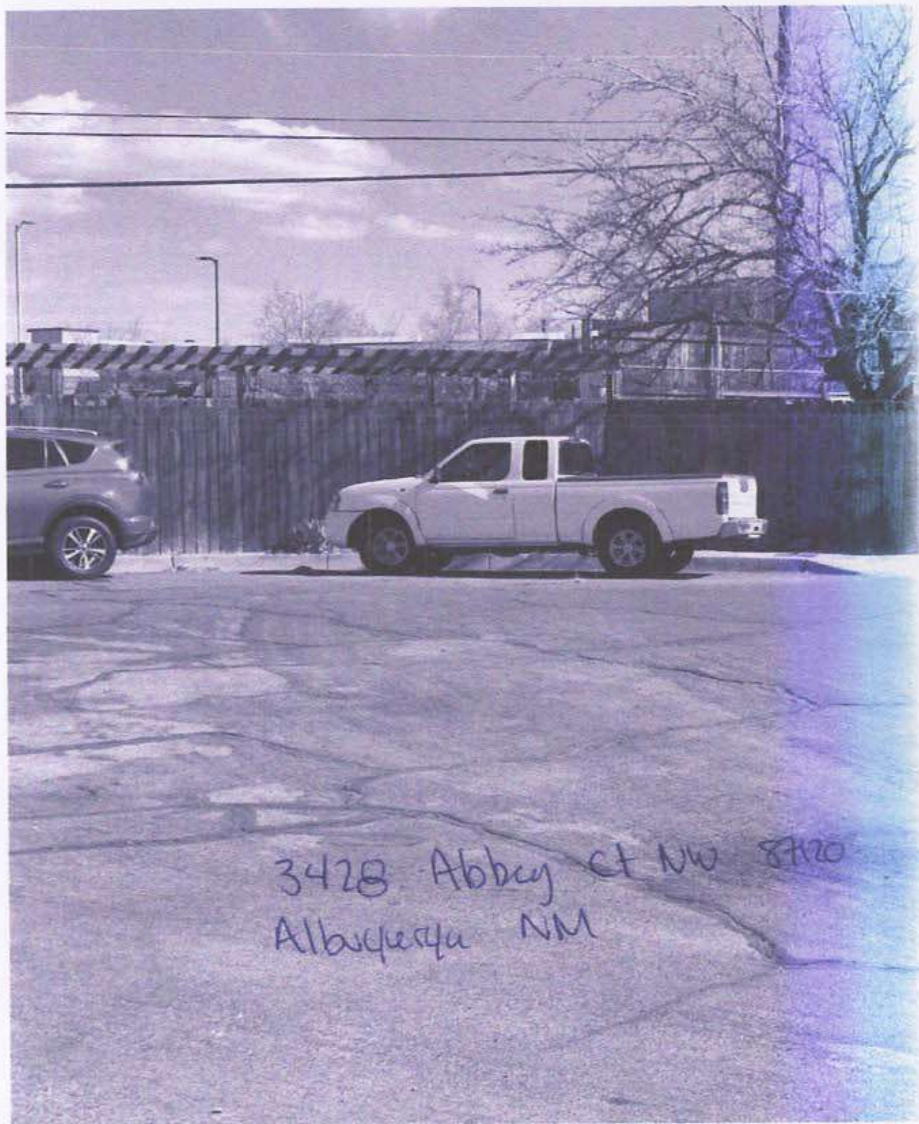
3413 Abbey Ct NW
Albuquerque NM 87120





3412 Alpha Ave NW
Alb NM

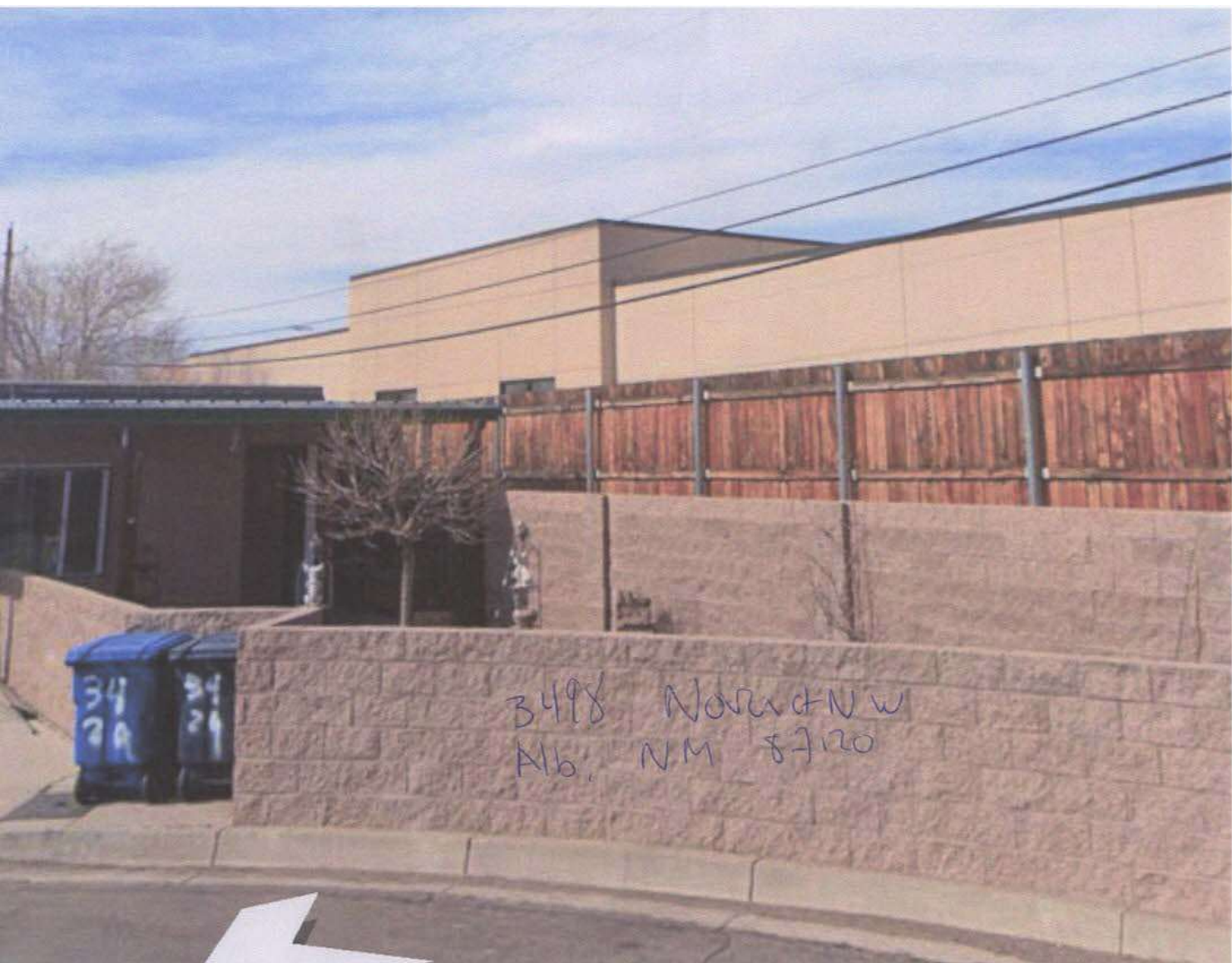




5124 Alpha Ave NW,
Alb, NM 87120











3421 Abbey Ct NW
Albuquerque NM 87126



Primary Streets

- Bernalillo County Parcels

IDO Zoning

- RA
 R-1A
 R-1B
 R-1C
 R-1D
 R-T
 R-MC
 R-ML
 R-MH
 MX-T
 MX-L
 MX-M
 MX-H
 MX-FB-ID
 MX-FB-FX
 MX-FB-JUD
 NR-C
 NR-BP
 NR-LM
 NR-GM
 NR-SU
 NR-PO-A
 NR-PO-B
 NR-PO-C
 NR-PO-D
 PD
 PC
 UNCL
 Corrales
 Edgewood
 Los Ranchos
 Rio Rancho
 Tijeras
 UNINCORPORATED

Notes



454
0
227
454 Feet
WGS_1984_Web_Mercator_Auxiliary_Sphere
City of Albuquerque
6/13/2025
1:2,724

The City of Albuquerque (CA) provides the data on this website as a service to the public. The City makes no warranty, representation, or guaranty as to the content, accuracy, timeliness, or completeness of any of the data provided at this website. Please visit <http://www.cabq.gov/albuquerque-data-disclaimer-1> for more information.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

THIS MAP IS NOT TO BE USED FOR NAVIGATION

| Name | Address | Signature | Date |
|-------------------------|-------------------------------------|---------------|----------------|
| Donel Romero-Millevoy | 3420 Abbey Ct NW | | 5/22/25 Ne |
| Gabriela Ramirez | 9020 Indigo Sky Trl | | 5/22/25 Parent |
| Chris Padrona | 6405 Dona Linda | | 5/22/25 Parent |
| Luis Aparicio | 2818 Eduardo Rd SW | Luis A.R. | 5/22/25 Parent |
| Danien Sanchez | 8101 Tangerine Pl NW | | 5/22/25 Parent |
| Ethan Stewart | 8712 Set Stream Rd | | 5/22/25 Parent |
| Sonia Marquez | 4000 Blake Rd SW #67 | Sonia Marquez | 5/22/25 Parent |
| Lincoln/Olivia Trujillo | 808 Sandy dr | | 5/22/25 parent |
| Just Turner | 3420 Corona Dr NW | | 5-22-25 friend |
| Christina Hoff-Vigl | 3425 Corona Dr. NW | | 5/22/25 (N) |
| Briana Sorensen | 3427 Corona Dr. NW | | 5/22/25 N |
| WILLIAM HOWARD | 3408 Corona NW | | 5-22-25 (N) |
| Desiree Buck | 3408 Corona Dr | | 5-22-25 (N) |
| Gail Torres | 5124 Alpha NW | | 5-22-25 (N) |
| Grace Bustos | 5104 Alpha Ave NW | | 5-22-25 (N) |
| Dave Sanchez | 3405 Abbey Ct NW | | 5/22/25 (N) |
| JACK JAIN | 3408 Abbey Ct NW | | 5/22/25 (N) |
| Dennis Pollock | 3428 Abbey Ct NW | | 5/22/25 (N) |
| GILBERT Archuleta | 3412 ABBEY CT NW | | 5/22/25 (N) |
| Ramona Sanchez | 3413 Abbey Ct NW | | 5/22/25 (N) |
| MARIAH ORTIZ | 601 10th St NW | | 5/22/25 (P) |
| Diane Marie Trujillo | 3408 Abbey Ct. NW | | 5/22/25 (N) |
| Cori Melchor | 1019 LOS PUENTES RD 87105 | | 5/22/2025 (P) |
| Rayanne Herbert | 9180 Coor Blvd NW Apt 2078 87120 | | 5/22/2025 (P) |
| Maria Rivera | 5416 Calle Alegre | | 5/22/25 (P) |
| Garbriel Tapa | 11100 Jewel cave rd. | | 5/23/25. (N) |
| Martha Zavala | 6901 Coors Blvd | | 385522241 (N) |

Petition Letter

Cynthia Hernandez
3421 Abbey Ct NW
Albuquerque NM, 87120
(505) 480 6354
hcynthia35@gmail.com
May 21, 2025

To Whom It May Concern:

I, Cynthia Hernandez, the property owner at 3421 Abbey Court NW 87120, am submitting this petition to request permission to maintain the 6-foot fence currently installed on my property. The fence has been in place for a few months, and I believe it is essential for privacy, security, and the safety of my family and home daycare. It also contributes positively to the aesthetic appeal of my property and the surrounding neighborhood.

This petition includes the support of my parents that bring their children to my daycare and my neighbors, who agree that the fence should remain as it is. The fence was carefully chosen to complement the neighborhood and was constructed with respect.

I kindly request that this petition be reviewed, and that the 6-foot fence be allowed to remain in place.

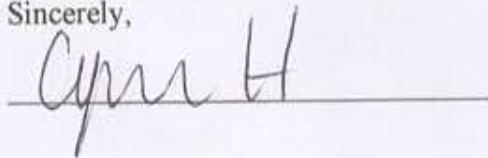
Signatures of Support

By signing below, the undersigned neighbors and residents express their support for the continued presence of the 6-foot fence on the property located at 3421 Abbey Court NW 87120.

If you have any further questions or concerns, please do not hesitate to contact me at (505) 480 6354 or via email at hcynthia35@gmail.com.

Thank you for your attention to this matter. I look forward to your favorable response.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Cynthia H', is written over a horizontal line.

VARIANCE JUSTIFICATION - GENERAL

Zoning Hearing Examiner
City of Albuquerque
600 2nd Street NW, 3rd Floor
Albuquerque, NM 87102

RE: Request for Variance of wood fence 6 ft
at 3421 Abbey Court NW 87120 (address of the subject property).

- 1) There are 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 district and vicinity. Those special circumstances create a hardship because It will be a detriment to the appearance of the front of the house and to the neighborhood should the fence be removed. The new fence is creating a positive impact for all properties on the street.
- 2) The Variance will not be materially contrary to the public safety, health, or welfare because The variance will not affect the safety, health or welfare of public, because it is on the property 3421 Abbey Court NW 87120 Alb NM.
- 3) The Variance does not cause adverse impacts on surrounding properties or infrastructure improvements in the vicinity because It is congruent with other surrounding properties on the street, it actually improves the neighborhood in a positive manner.
- 4) The Variance will not materially undermine the intent and purpose of this IDO or the applicable zone district because It is a positive improvement to the district and has a beneficial impact to the appearance of the home and the adjoining properties.
- 5) The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties because Removing the fence would essentially be a negative for the community. It is a positive addition to the home and community similar to adjacent properties with identical fences.

I answered the best of my knowledge.

Signature Cyril H Date 4-11-25

PERMIT JUSTIFICATION LETTER – WALL OR FENCE

Zoning Hearing Examiner
City of Albuquerque
600 2nd Street NW, 3rd Floor
Albuquerque, NM 87102

RE: Request for Wall Permit of Variance / tall wall permit 6 ft
at 3421 Abbey Ct NW 87120 Alb, NM (address of the subject property).

(a) The wall is proposed on a lot that meets any of the following criteria:

1. The lot is at least ½ acre.
2. The lot fronts a street designated as a collector, arterial, or interstate highway.
3. For a front yard wall taller than allowed in Table 5-7-1, at least 20 percent of the properties with low-density residential development with a front yard abutting the same street as the subject property and within 330 feet of the subject property along the length of the street the lot faces have a front yard wall or fence over 3 feet. This distance shall be measured along the street from each corner of the subject property's lot line, and the analysis shall include properties on both sides of the street. (See figure below for an illustration of this measurement.)
4. For a street side yard wall taller than allowed in Table 5-7-1, at least 20 percent of the properties with low-density residential development with a side yard abutting the same street as the subject property and within 330 feet of the subject property along the length of the street the lot faces have a street side yard wall or fence over 3 feet. This distance shall be measured along the street from each corner of the subject property's lot line, and the analysis shall include properties on both sides of the street. (See figure below for an illustration of this measurement.)

I MEET CRITERIA 3. IF 3 OR 4, YOU MUST INCLUDE PHOTOGRAPHS WITH ADDRESSES AS PROOF THAT THE 20% REQUIREMENT IS MET.

(b) The proposed wall would strengthen or reinforce the architectural character of the surrounding area BECAUSE:

The wall strengthen the area by protecting the daycare children

(c) The proposed wall would not be injurious to adjacent properties, the surrounding neighborhood, or the BECAUSE:

The fence will not be injurious to surrounding neighborhood. It is a residential area with a daycare

(d) The design of the wall complies with any applicable standards in Section 14-16-5-7 (Walls and Fences), including but not limited to Subsection 14-16-5-7(E)(2) (Articulation and Alignment), Subsection 14-16-5-7(E)(3) (Wall Design), and all of the following:

1. The wall or fence shall not block the view of any portion of any window on the front façade of the primary building when viewed from 5 feet above ground level at the centerline of the street in front of the house. PLEASE EXPLAIN:

There is no window inside the 6ft fence

2. The design and materials proposed for the wall or fence shall reflect the architectural character of the surrounding area. PLEASE EXPLAIN:

The material used are 4x4 post weather treated are spaced out every 4 feet on center. The fence panels are regular oak. It does reflect the architectural character of surrounding area. Most of the neighbor's have a similar fence some shorter others 6 ft.

Signature

Cyrril

Date

3-12-23



SPECIAL EXCEPTION REFERRAL SHEET

☐ Variance ☐ Conditional Use ☒ Other

Interpreter: ☒ Yes ☐ No

City of Albuquerque
Planning Department

VA# MZP-2025-00007 PR# PR-2025-020042

| | | | |
|---|--------|---------------------|------------|
| Date: | | Received By: | |
| Address of Request: 3421 Abbey Ct NW | | | |
| City: | | State: | Zip: 87120 |
| Lot: | Block: | Zone: | Map pg. |
| Subdivision: | | UPC# | |
| Property Owner(s): Cynthia Hernandez | | | |
| Mailing Address: | | | |
| City: | | State: | Zip: |
| Phone: | | Email: | |
| Agent: | | | |
| Mailing Address: | | | |
| City: | | State: | Zip: |
| Phone: | | Email: | |
| Fee Total: | | | |

Please refer to the Zone Hearing Examiner (ZHE) website for hearing dates and deadlines.

- o <https://www.cabq.gov/planning/boards-commissions/zoning-hearing-examiner>

Applications are submitted through ABQ-PLAN. Please be prepared to submit all required documents prior to starting the application.

- o <https://www.cabq.gov/planning/abq-plan>



ABQ-PLAN

| | | | |
|--|------|--|--------------------------------|
| ZONING OFFICIAL USE ONLY | | | |
| Request for exception to IDO Section: 14-16- | | | |
| Description of request: Major Wall Permit | | | |
| Staff Comments: | | | |
| <input type="checkbox"/> Ownership verified on AGIS included | | | |
| <input type="checkbox"/> Proof of ownership included | | <input type="checkbox"/> Letter of authorization | |
| Case history number(s) from AGIS: | | | |
| APO: | CPO# | HPO# | VPO# |
| Wall variances not allowed in low-density residential development in these 2 areas per 5-7(D)(3)(e): | | | |
| 1) CPO 3 and 2) Monte Vista / College View Historic Dist. - Mapped Area | | | |
| 2) CPO-8 states walls no more than 3 feet high, but may request a variance | | | 2 nd check Initials |



SPECIAL EXCEPTION REFERRAL SHEET

☒ Variance ☐ Conditional Use ☐ Other

Interpreter: ☒ Yes ☐ No

City of Albuquerque
Planning Department

VA# VA-2025-00015 PR# PR-2025-020042

| | | | |
|---|--------|---------------------|------------|
| Date: | | Received By: | |
| Address of Request: 3421 Abbey Ct NW | | | |
| City: | | State: | Zip: 87120 |
| Lot: | Block: | Zone: | Map pg. |
| Subdivision: | | UPC# | |
| Property Owner(s): Cynthia Hernandez | | | |
| Mailing Address: | | | |
| City: | | State: | Zip: |
| Phone: | | Email: | |
| Agent: | | | |
| Mailing Address: | | | |
| City: | | State: | Zip: |
| Phone: | | Email: | |
| Fee Total: | | | |

Please refer to the Zone Hearing Examiner (ZHE) website for hearing dates and deadlines.

- o <https://www.cabq.gov/planning/boards-commissions/zoning-hearing-examiner>

Applications are submitted through ABQ-PLAN. Please be prepared to submit all required documents prior to starting the application.

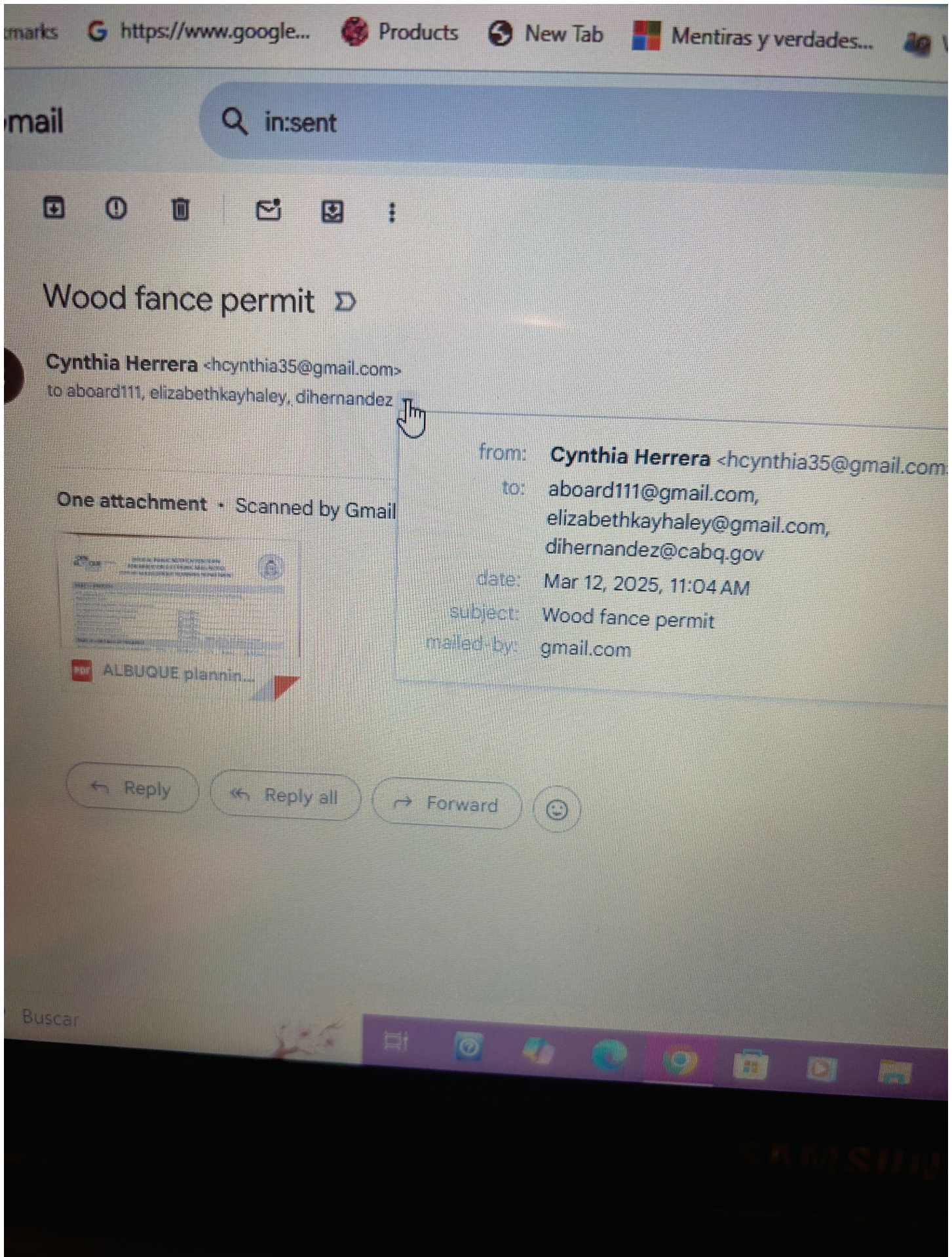
- o <https://www.cabq.gov/planning/abq-plan>

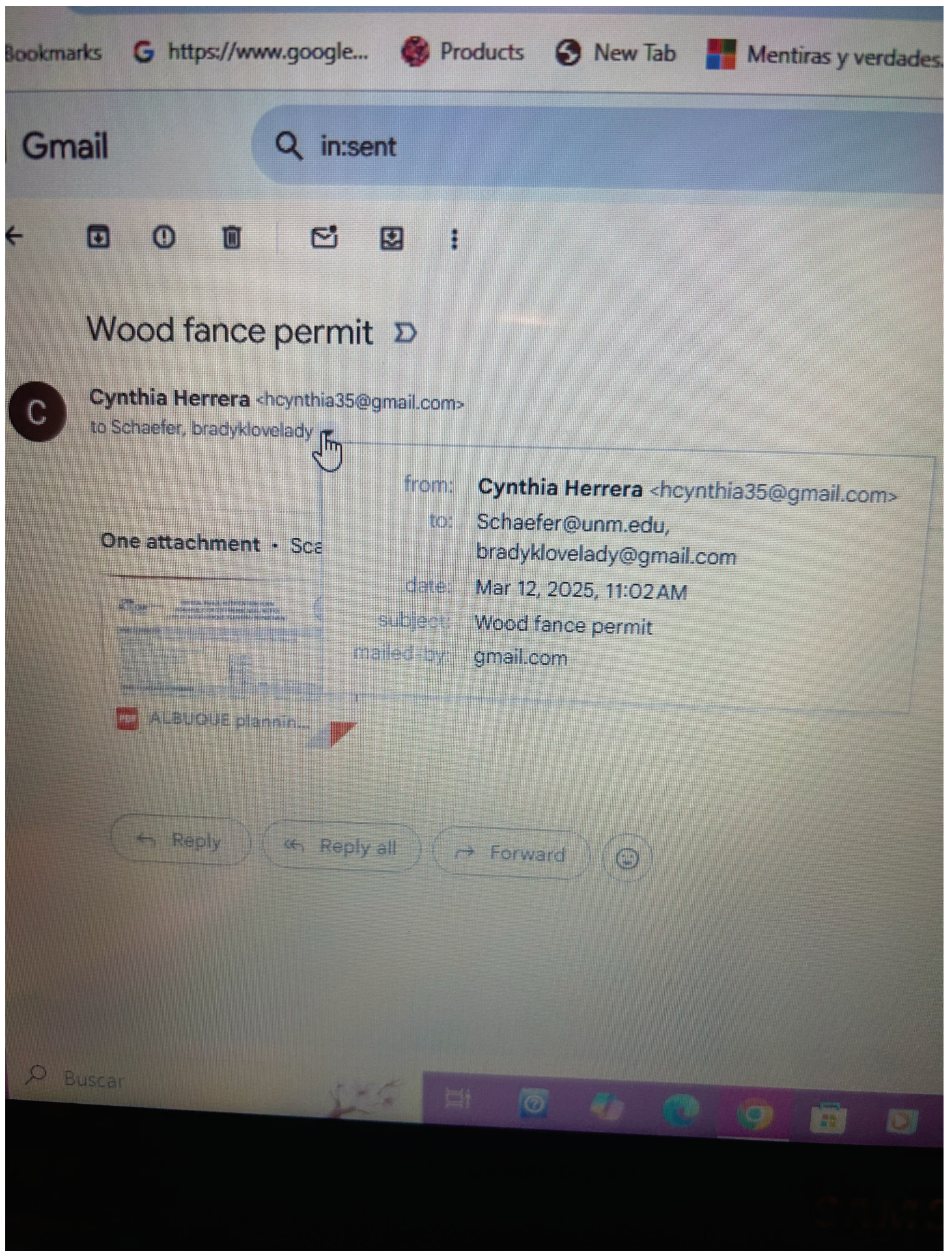


ABQ-PLAN

| | | | |
|--|------|--|--------------------------------------|
| ZONING OFFICIAL USE ONLY | | | |
| Request for exception to IDO Section: 14-16- | | | |
| Description of request: Variance of 3ft to the allowed 3ft wall height in the front yard | | | |
| Staff Comments: | | | |
| <input type="checkbox"/> Ownership verified on AGIS included | | | |
| <input type="checkbox"/> Proof of ownership included | | <input type="checkbox"/> Letter of authorization | |
| Case history number(s) from AGIS: | | | |
| APO: | CPO# | HPO# | VPO# |
| Wall variances not allowed in low-density residential development in these 2 areas per 5-7(D)(3)(e): | | | |
| 1) CPO 3 and 2) Monte Vista / College View Historic Dist. - Mapped Area | | | |
| 2) CPO-8 states walls no more than 3 feet high, but may request a variance | | | 2 nd check Initials _____ |







**OFFICIAL PUBLIC NOTIFICATION FORM
FOR MAILED OR ELECTRONIC MAIL NOTICE
CITY OF ALBUQUERQUE PLANNING DEPARTMENT**



PART I - PROCESS

Use Table 6-1-1 in the Integrated Development Ordinance (IDO) to answer the following:

Application Type:

Decision-making Body: Zone Hearing Examiner

Pre-Application meeting required: ☐ Yes ☒ No

Neighborhood meeting required: ☐ Yes ☒ No

Mailed Notice required: ☒ Yes ☐ No

Electronic Mail required: ☒ Yes ☐ No

Is this a Site Plan Application: ☐ Yes ☒ No *Note: if yes, see second page*

PART II - DETAILS OF REQUEST

Address of property listed in application: 3421 Abbey Ct NW 87120

Name of property owner: Cynthia Hernandez and Rosa Anchondo Teran

Name of applicant: Cynthia Hernandez

Date, time, and place of public meeting or hearing, if applicable: May 20

Zoom on [Month, Day] starting at 9am

Address, phone number, or website for additional information: 3421 Abbey Ct NW 87120

Alb, NM 505.918.06354

PART III - ATTACHMENTS REQUIRED WITH THIS NOTICE

☐ Zone Atlas page indicating subject property.

☒ Drawings, elevations, or other illustrations of this request.

☐ Summary of pre-submittal neighborhood meeting, if applicable.

☐ Summary of request, including explanations of deviations, variances, or waivers.

IMPORTANT:

**PUBLIC NOTICE MUST BE MADE IN A TIMELY MANNER PURSUANT TO IDO §14-16-6-4(K).
PROOF OF NOTICE WITH ALL REQUIRED ATTACHMENTS MUST BE PRESENTED UPON
APPLICATION.**

I certify that the information I have included here and sent in the required notice was complete, true, and accurate to the extent of my knowledge.

Cynthia H (Applicant signature) 3-12-25 (Date)

Note: Providing incomplete information may require re-sending public notice. Providing false or misleading information is a violation of the IDO pursuant to IDO §14-16-6-9(B)(3) and may lead to a denial of your application.

**OFFICIAL PUBLIC NOTIFICATION FORM
FOR MAILED OR ELECTRONIC MAIL NOTICE
CITY OF ALBUQUERQUE PLANNING DEPARTMENT**



PART IV – ATTACHMENTS REQUIRED FOR SITE PLAN & LC APPLICATIONS ONLY

Provide a site plan that shows, at a minimum, the following:

- ☐ a. Location of proposed buildings and landscape areas.
- ☐ b. Access and circulation for vehicles and pedestrians.
- ☐ c. Maximum height of any proposed structures, with building elevations.
- ☐ d. For residential development: Maximum number of proposed dwelling units.
- ☐ e. For non-residential development:
 - ☐ Total gross floor area of proposed project.
 - ☐ Gross floor area for each proposed use.

[Note: Items with an asterisk (*) are required.]

Public Notice of a Hearing before the Zoning Hearing Examiner in the City of Albuquerque

Date of Notice*: 3-12-25

This notice of an application for a proposed project is provided as required by the Integrated Development Ordinance (IDO) §14-16-6-4(K) Public Notice. This notice is being provided to (mark as relevant):

- ☒ Neighborhood Association Representatives on the attached list from the Office of Neighborhood Coordination.¹
☒ Property Owners within 100 feet of the Subject Property.

Project Information Required by IDO §14-16-6-4(K)(1)(a)

1. Subject Property Address* 3421 Abbey Ct NW ABQ, NM 87120 (zipcode)
Location Description _____
2. Property Owner* Cynthia Hernandez / Rosa Anchondo Tovar
3. Agent/Contractor (if other than the property owner) _____
4. Application Type(s)²* per IDO Table 6-1-1:
- | | |
|--|--|
| <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Carport Permit |
| <input checked="" type="checkbox"/> Variance | <input type="checkbox"/> Major Wall/Fence Permit |
| <input type="checkbox"/> Other _____ | |

Summary of project/request*:

5. This application will be decided by the Zoning Hearing Examiner at a public hearing.

Hearing Date*: May 20 (Tuesday)

The hearing will begin at 9:00AM via ZOOM.

For Zoom details and the agenda, please visit the CABQ Planning Webpage:

<https://www.cabq.gov/planning/boards-commissions/zoning-hearing-examiner/zhe-agendas-action-sheets-decisions>

To contact staff, email PlanningZHE@cabq.gov or call the Planning Department at 505-924-3860 and select the option for "Boards, Commissions, and ZHE signs."

Please note: You may submit written comments to the Zoning Hearing Examiner up to 6 days before the hearing. (Deadline is 5 pm on the Wednesday before the hearing.)

¹ If this box is marked, the Neighborhood Association Representative Contact List from the City's Office of Neighborhood Coordination must be included as an attachment.

² Other application types require separate forms available here: <https://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance-1/public-notice>. Otherwise, please mark all that apply.

[Note: Items with an asterisk (*) are required.]

6. Where more information about the project can be found*:

Applicant name: Cynthia Hernandez

Email: cynthi35@gmail.com Phone: (505) 480 6354

☐ Online website or project page: _____

☐ Attachments:

☒ Neighborhood Association Representative Contact List from the City's Office of Neighborhood Coordination^{3*}

☐ Others: _____

Project Information Required for Mail/Email Notice by IDO §14-16-6-4(K)(1)(b):

1. Zone Atlas Page(s)*⁴ G-11-2

2. Project Illustrations, as relevant*⁵

☒ Architectural drawings

☐ Elevations of the proposed building(s)

☐ Other illustrations of the proposed application

See attachments or the website/project page noted above for the items marked above.

3. The following exceptions to IDO standards have been requested for this project*:

☐ Deviation(s)

☒ Variance(s)

☐ Waiver(s)

Explanation*: Variance of 3 feet extra
for total of 6 feet

4. A Pre-submittal Neighborhood Meeting was required by Table 6-1-1: ☐ Yes ☒ No

Summary of the Pre-submittal Neighborhood Meeting, if one occurred:

[Note: The meeting report is required to be provided in the application materials.]

NOTE: Pursuant to IDO §14-16-6-4(L), property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting. If requested at least 15 calendar days before the public meeting/hearing date noted above, the facilitated meeting will be required. To request a facilitated meeting regarding this project, contact the Planning Department at devhelp@cabq.gov or 505-924-3860 and select option for "Boards, Commissions, and ZHE Signs."

Useful Links

Integrated Development Ordinance (IDO): <https://ido.abc-zone.com>

IDO Interactive Map: <https://tinyurl.com/idozoningmap>

³ Must be attached if this notice is to Neighborhood Association Representatives.

⁴ Available online here: <http://data.cabq.gov/business/zoneatlas>

⁵ While not required, it is recommended that a site plan be included showing the location of existing buildings, if any, and the proposed project.

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PART I - PROCESS

Use Table 6-1-1 in the Integrated Development Ordinance (IDO) to answer the following:

Application Type:

Decision-making Body: Zone Hearing Examiner

Pre-Application meeting required: ☐ Yes ☒ No

Neighborhood meeting required: ☐ Yes ☒ No

Mailed Notice required: ☒ Yes ☐ No

Electronic Mail required: ☒ Yes ☐ No

Is this a Site Plan Application: ☐ Yes ☒ No *Note: if yes, see second page*

PART II - DETAILS OF REQUEST

Address of property listed in application: 3421 Abbey Ct NW 87120

Name of property owner: Cynthia Hernandez and Rosa Archanda Teran

Name of applicant: Cynthia Hernandez

Date, time, and place of public meeting or hearing, if applicable: May 20

Zoom on [Month, Day] starting at 9am

Address, phone number, or website for additional information: 3421 Abbey Ct NW 87120

Alb, NM 505.924.6354

PART III - ATTACHMENTS REQUIRED WITH THIS NOTICE

☐ Zone Atlas page indicating subject property.

☒ Drawings, elevations, or other illustrations of this request.

☐ Summary of pre-submittal neighborhood meeting, if applicable.

☐ Summary of request, including explanations of deviations, variances, or waivers.

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APPLICATION.**

I certify that the information I have included here and sent in the required notice was complete, true, and accurate to the extent of my knowledge.

Cyrene H (Applicant signature) 3-12-25 (Date)

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- ☐ c. Maximum height of any proposed structures, with building elevations.
- ☐ d. For residential development: Maximum number of proposed dwelling units.
- ☐ e. For non-residential development:
 - ☐ Total gross floor area of proposed project.
 - ☐ Gross floor area for each proposed use.

[Note: Items with an asterisk (*) are required.]

Public Notice of a Hearing before the Zoning Hearing Examiner in the City of Albuquerque

Date of Notice*: 3-12-25

This notice of an application for a proposed project is provided as required by the Integrated Development Ordinance (IDO) §14-16-6-4(K) Public Notice. This notice is being provided to (mark as relevant):

- ☒ Neighborhood Association Representatives on the attached list from the Office of Neighborhood Coordination.¹
☒ Property Owners within 100 feet of the Subject Property.

Project Information Required by IDO §14-16-6-4(K)(1)(a)

1. Subject Property Address* 3421 Abbey Ct NW ABQ, NM 87120 (zipcode)

Location Description _____

2. Property Owner* Cynthia Hernandez / Rosa Anchales Toron

3. Agent/Contractor (if other than the property owner) _____

4. Application Type(s)²* per IDO Table 6-1-1:

☐ Conditional Use

☐ Carport Permit

☒ Variance

☐ Major Wall/Fence Permit

☐ Other _____

Summary of project/request*:

Variance for fence

5. This application will be decided by the Zoning Hearing Examiner at a public hearing.

Hearing Date*: May 20 (Tuesday)

The hearing will begin at 9:00AM via ZOOM.

For Zoom details and the agenda, please visit the CABQ Planning Webpage:

<https://www.cabq.gov/planning/boards-commissions/zoning-hearing-examiner/zhe-agendas-action-sheets-decisions>

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Please note: You may submit written comments to the Zoning Hearing Examiner up to 6 days before the hearing. (Deadline is 5 pm on the Wednesday before the hearing.)

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[Note: Items with an asterisk (*) are required.]

6. Where more information about the project can be found*:

Applicant name: Cynthia Hernandez

Email: hcynthia35@gmail.com Phone: (505) 480 6354

☐ Online website or project page: _____

☐ Attachments:

☒ Neighborhood Association Representative Contact List from the City's Office of Neighborhood Coordination^{3*}

☐ Others: _____

Project Information Required for Mail/Email Notice by IDO §14-16-6-4(K)(1)(b):

1. Zone Atlas Page(s)*⁴ G-11-2

2. Project Illustrations, as relevant*⁵

☒ Architectural drawings

☐ Elevations of the proposed building(s)

☐ Other illustrations of the proposed application

See attachments or the website/project page noted above for the items marked above.

3. The following exceptions to IDO standards have been requested for this project*:

☐ Deviation(s) ☒ Variance(s) ☐ Waiver(s)

Explanation*: Variance of 3 feet extra
for total of 6 feet

4. A Pre-submittal Neighborhood Meeting was required by Table 6-1-1: ☐ Yes ☒ No

Summary of the Pre-submittal Neighborhood Meeting, if one occurred:

[Note: The meeting report is required to be provided in the application materials.]

NOTE: Pursuant to IDO §14-16-6-4(L), property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting. If requested at least 15 calendar days before the public meeting/hearing date noted above, the facilitated meeting will be required. To request a facilitated meeting regarding this project, contact the Planning Department at devhelp@cabq.gov or 505-924-3860 and select option for "Boards, Commissions, and ZHE Signs."

Useful Links

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IDO Interactive Map: <https://tinyurl.com/idozoningmap>

³ Must be attached if this notice is to Neighborhood Association Representatives.

⁴ Available online here: <http://data.cabq.gov/business/zoneatlas>

⁵ While not required, it is recommended that a site plan be included showing the location of existing buildings, if any, and the proposed project.

Cynthia Hernandez
3421 Abbey Ct NW
Albuquerque NM 87120



Troyillo Diane Marie
3408 Abbey Ct NW
Albuquerque NM 87120

Cynthia Hernandez
3421 Abbey Ct NW
Albuquerque NM 87120



Aragon Mario y Edenia
3424 Corona Dr NW
Albuquerque NM 87120-1240

3421 Abbey Ct NW
Albuquerque NM 87120



Buck Cheryl
3404 Corona Dr NW
Albuquerque NM 87120-1240

Cynthia Hernandez
3421 Abbey Ct NW
Albuquerque NM 87120



Chavez Patricia L
PO Box 3202
Albuquerque NM 87190-3202

Cynthia Hernandez
3421 Abbey Ct NW
Albuquerque NM 87120



Wilburn Pamela S
3429 Abbey Ct NW
Albuquerque NM 87120-1201

3421 Abbey Ct NW
Albuquerque NM 87120



Parra-Torres Cecilia
3425 Abbey Ct NW
Albuquerque NM 87120

Cynthia Hernandez
3421 Abbey Ct NW
Albuquerque NM 87120



Mora Micayla
3424 Abbey Ct NW
Albuquerque NM 87120

Cynthia Hernandez
3421 Abbey Ct NW
Albuquerque NM 87120



Harriger William J
3412 Corona Dr NW
Albuquerque NM 87120

Cynthia Hernandez
3421 Abbey Ct NW
Albuquerque NM 87120



Youth and family Centered
Services of New Mexico Inc
14400 Metcalf Ave
Overland Park KS 66223-2989

Cynthia Hernandez
3421 Abbey Ct NW
Albuquerque NM



Valencia Cindy y Anthony
M
3429 Nova Ct NW
Albuquerque NM 87120-1241

Cynthia Hernandez
3421 Abbey Ct NW
Albuquerque NM

Sanchez David J
3405 Abbey Ct NW
Albuquerque NM 87120-1201

Cynthia Hernandez
3421 Abbey Ct NW
Albuquerque NM 87120

Morgan Courtney
3409 Abbey Ct NW
Albuquerque NM 87120-1201

Cynthia Hernandez
3421 Abbey Ct NW
Albuquerque NM 87120

Will Sylvia A & Castro
Maria J
3417 Nova Ct NW
Albuquerque NM 87120-1241

Cynthia Hernandez
3421 Abbey Ct NW
Albuquerque NM 87120

Gonzales Jeanette
3416 Corona Dr NW
Albuquerque NM 87120-1240

Cynthia Hernandez
3421 Abbey Ct NW
Albuquerque NM 87120

Tzomero-Milloway Daniel
3420 Abbey Ct NW
Albuquerque NM 87120-1201

Cynthia Hernandez
3421 Abbey Ct NW
Albuquerque NM 87120

Urioste Roseanna J
3416 Abbey Ct NW
Albuquerque NM 87130

Cynthia Hernandez
3421 Abbey Ct NW
Albuquerque NM 87120

Cynthia Hernandez
3421 Abbey Ct NW
Albuquerque NM 87120

Rhl Marissa V & Pohl
Alexa R c/o Montoya
Nicola
3417 Abbey Ct NW
Albuquerque NM 87120-1201

Cynthia Hernandez
3421 Abbey Ct NW
Albuquerque NM 87120

Youth and Family Centered
Services of NM
19400 Metcalf Ave
Overland Park KS 66223

Cynthia Hernandez
3421 Abbey Ct NW
Albuquerque NM 87120

Andreas Karen E
3413 Nova Ct NW
Albuquerque NM 87120

Cynthia Hernandez
3421 Abbey Ct NW
Albuquerque NM 87120

Furnee Janet Lee
3420 Corona Dr NW
Albuquerque NM 87120-1240

Cynthia Hernandez
3421 Abbey Ct NW
Albuquerque NM 87120

Archunde Gilbert J
3412 Abbey Ct NW
Albuquerque NM 87120-1201

Cynthia Hernandez
3421 Abbey Ct NW
Albuquerque NM 87120

Sandra Ramirez

Cynthia Hernandez
3421 Abbey Ct NW
Albuquerque NM 87120

Zomero-Milloway Daniel
3420 Abbey Ct NW
Albuquerque NM 87120-1201

Cynthia Hernandez
3421 Abbey Ct NW
Albuquerque NM 87120

Furnee Janet Lee
3420 Corona Dr NW
Albuquerque NM 87120-1201

Cynthia Hernandez
3421 Abbey Ct NW
Albuquerque NM 87120

Urioste Roseanna J
3416 Abbey Ct NW
Albuquerque NM 87130

Cynthia Hernandez
3421 Abbey Ct NW
Albuquerque NM 87120

Archunde Gilbert J
3412 Abbey Ct NW
Albuquerque NM 87120-1201

Cynthia Hernandez
3421 Abbey Ct NW
Albuquerque NM 87120

OLPhant Usa c/o 3428
Corona LLC
6412 Academy Rd NE Suite B
Albuquerque NM 87109-0000

Cynthia Hernandez
3421 Abbey Ct NW
Albuquerque NM 87120

Sanchez Ramonita
3413 Abbey Ct NW
Albuquerque NM 87120

Cynthia Hernandez
3421 Abbey Ct NW
Albuquerque NM 87120

Pollock Dennis
3428 Abbey Ct NW
Albuquerque NM 87120

Cynthia Hernandez
3421 Abbey Ct NW
Albuquerque NM 87120

Melendez Daniel P and
Rachael S
1210 San Juan Dr NW
Roswell NM 88201

Cynthia Hernandez
3421 Abbey Ct NW
Albuquerque NM 87120

Doeller Thomas M
PO Box 94537
Albuquerque NM 87199-4537

Cynthia Hernandez
3421 Abbey Ct NW
Albuquerque NM 87120

Haight John W
3421 Nasa Ct NW
Albuquerque NM 87120

ANDREAS KAREN E
3413 NOVA CT NW
ALBUQUERQUE NM 87120

ARAGON MARIO & EDENIA
3424 CORONA DR NW
ALBUQUERQUE NM 87120-1240

ARCHUNDE GILBERT J
3412 ABBEY CT NW
ALBUQUERQUE NM 87120-1201

BUCK CHERYL
3404 CORONA DR NW
ALBUQUERQUE NM 87120-1240

CHAVEZ PATRICIA L
PO BOX 3202
ALBUQUERQUE NM 87190-3202

DOELLER THOMAS M
PO BOX 94537
ALBUQUERQUE NM 87199-4537

FURNEE JANET LEE
3420 CORONA DR NW
ALBUQUERQUE NM 87120-1240

GONZALES JEANETTE
3416 CORONA DR NW
ALBUQUERQUE NM 87120-1240

HAIGHT JOHN W
3421 NOVA CT NW
ALBUQUERQUE NM 87120

HARRIGER WILLIAM J
3412 CORONA DR NW
ALBUQUERQUE NM 87120

HERRERA-ANCHONDO CYNTHIA &
ANCHONDO-TERAN ROSA E
3421 ABBEY CT NW
ALBUQUERQUE NM 87120-1201

MELENDEZ DANIEL P & RACHAEL S
1210 SAN JUAN DR NW
ROSWELL NM 88201

MORA MICAYLA
3424 ABBEY CT NW
ALBUQUERQUE NM 87120-1201

MORGAN COURTNEY
3409 ABBEY CT NW
ALBUQUERQUE NM 87120-1201

OLIPHANT LISA C/O 3428 CORONA LLC
6712 ACADEMY RD NE SUITE B
ALBUQUERQUE NM 87109-0000

PARRA-TORRES CECILIA
3425 ABBEY CT NW
ALBUQUERQUE NM 87120-1201

POHL MARISSA U & POHL ALEXA R C/O
MONTOKA NICOLITA
3417 ABBEY CT NW
ALBUQUERQUE NM 87120-1201

POLLOCK DENNIS
3428 ABBEY CT NW
ALBUQUERQUE NM 87120

ROMERO-MILLOWAY DANIEL
3420 ABBEY CT NW
ALBUQUERQUE NM 87120-1201

SANCHEZ DAVID J
3405 ABBEY CT NW
ALBUQUERQUE NM 87120-1201

SANCHEZ RAMONITA
3413 ABBEY CT NW
ALBUQUERQUE NM 87120

TRUJILLO DIANE MARIE
3408 ABBEY CT NW
ALBUQUERQUE NM 87120-1201

URIESTE ROSEANNA J
3416 ABBEY CT NW
ALBUQUERQUE NM 87130

VALENCIA CINDY & ANTHONY M
3429 NOVA CT NW
ALBUQUERQUE NM 87120-1241

WILBURN PAMELA J
3429 ABBEY CT NW
ALBUQUERQUE NM 87120-1201

WILL SYLVIA A & CASTRO MARIA J
3417 NOVA CT NW
ALBUQUERQUE NM 87120-1241

YOUTH & FAMILY CENTERED SERVICES
OF NEW MEXICO INC
14400 METCALF AVE
OVERLAND PARK KS 66223-2989

YOUTH & FAMILY CENTERED SERVICES
OF NM
14400 METCALF AVE
OVERLAND PARK KS 66223

PERMIT JUSTIFICATION LETTER GUIDELINES – WALL OR FENCE

Per Integrated Development Ordinance 16-14-6-4(E)(3): **The applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence.**

Per Integrated Development Ordinance 14-16-6-4(E)(4) **The applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary.**

Because the burden of evidence is borne by the applicant, you may choose to retain the services of a development professional that is knowledgeable in land use matters to guide your application and represent you at the public hearing.

To justify your request and aid our review, please provide a detailed response to items a-d.

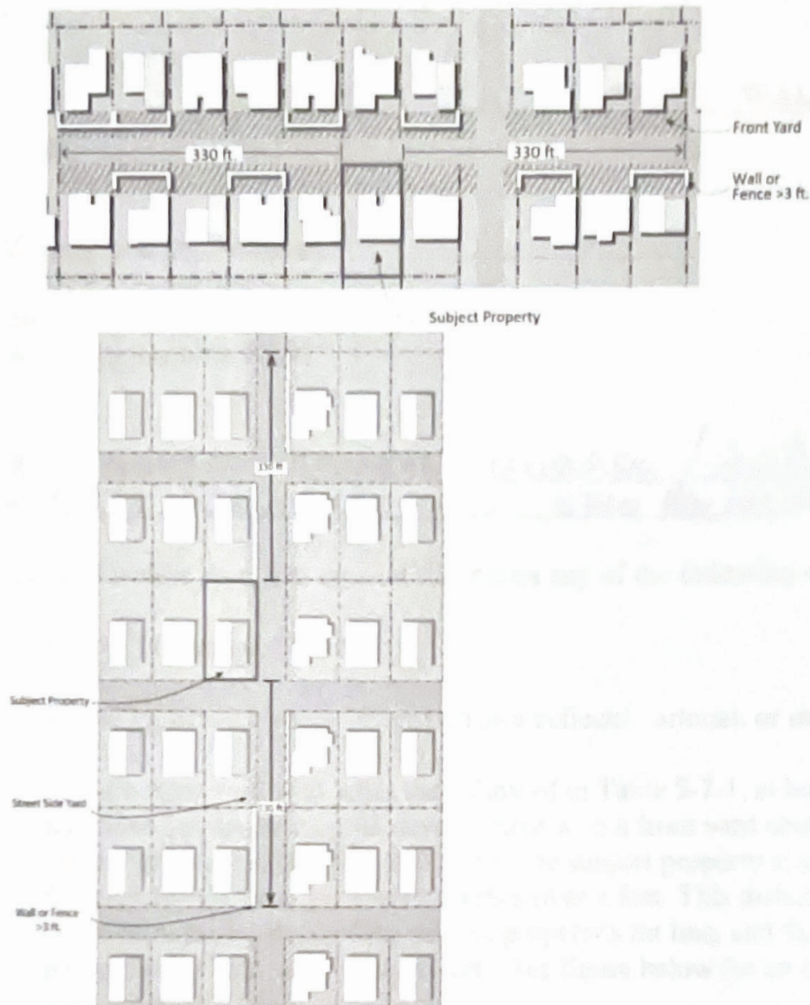
6-6(H) PERMIT – WALL OR FENCE – MAJOR

6-6(H)(3) Review and Decision Criteria

An application for a Permit – Wall or Fence – Major for a wall in the front or street side yard of a lot with low-density residential development in or abutting any Residential zone district that meets the requirements in Subsection 14-16-5-7(D)(3)(g) (Exceptions to Maximum Wall Height) and Table 5-7-2 shall be approved if the following criteria are met:

(a) The wall is proposed on a lot that meets any of the following criteria:

1. The lot is at least ½ acre.
2. The lot fronts a street designated as a collector, arterial, or interstate highway.
3. For a front yard wall taller than allowed in Table 5-7-1, at least 20 percent of the properties with low-density residential development with a front yard abutting the same street as the subject property and within 330 feet of the subject property along the length of the street the lot faces have a front yard wall or fence over 3 feet. This distance shall be measured along the street from each corner of the subject property's lot line, and the analysis shall include properties on both sides of the street. (See figure below for an illustration of this measurement.)
4. For a street side yard wall taller than allowed in Table 5-7-1, at least 20 percent of the properties with low-density residential development with a side yard abutting the same street as the subject property and within 330 feet of the subject property along the length of the street the lot faces have a street side yard wall or fence over 3 feet. This distance shall be measured along the street from each corner of the subject property's lot line, and the analysis shall include properties on both sides of the street. (See figure below for an illustration of this measurement.)



- (b) The proposed wall would strengthen or reinforce the architectural character of the surrounding area.
- (c) The proposed wall would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community.
- (d) The design of the wall complies with any applicable standards in Section 14-16-5-7 (Walls and Fences), including but not limited to Subsection 14-16-5-7(E)(2) (Articulation and Alignment), Subsection 14-16-5-7(E)(3) (Wall Design), and all of the following:
 1. The wall or fence shall not block the view of any portion of any window on the front façade of the primary building when viewed from 5 feet above ground level at the centerline of the street in front of the house.
 2. The design and materials proposed for the wall or fence shall reflect the architectural character of the surrounding area.

YOU MAY USE THE FORM BELOW TO ENSURE ALL ITEMS ARE ADRESSED

PERMIT JUSTIFICATION LETTER – WALL OR FENCE

Zoning Hearing Examiner
City of Albuquerque
600 2nd Street NW, 3rd Floor
Albuquerque, NM 87102

RE: Request for Wall Permit of Variance / tall wall permit 6 ft
at 3421 Abbey Ct NW 87120 AB, NM (address of the subject property).

(a) The wall is proposed on a lot that meets any of the following criteria:

1. The lot is at least ½ acre.
2. The lot fronts a street designated as a collector, arterial, or interstate highway.
3. For a front yard wall taller than allowed in Table 5-7-1, at least 20 percent of the properties with low-density residential development with a front yard abutting the same street as the subject property and within 330 feet of the subject property along the length of the street the lot faces have a front yard wall or fence over 3 feet. This distance shall be measured along the street from each corner of the subject property's lot line, and the analysis shall include properties on both sides of the street. (See figure below for an illustration of this measurement.)
4. For a street side yard wall taller than allowed in Table 5-7-1, at least 20 percent of the properties with low-density residential development with a side yard abutting the same street as the subject property and within 330 feet of the subject property along the length of the street the lot faces have a street side yard wall or fence over 3 feet. This distance shall be measured along the street from each corner of the subject property's lot line, and the analysis shall include properties on both sides of the street. (See figure below for an illustration of this measurement.)

I MEET CRITERIA 3. IF 3 OR 4, YOU MUST INCLUDE PHOTOGRAPHS WITH ADDRESSES AS PROOF THAT THE 20% REQUIREMENT IS MET.

April 2024 - LPQ

(b) The proposed wall would strengthen or reinforce the architectural character of the surrounding area BECAUSE:

The wall strengthen the area by protecting the daycare children

(c) The proposed wall would not be injurious to adjacent properties, the surrounding neighborhood, or the BECAUSE:

The fence will not be injurious to surrounding neighborhood. It is a residential area with a daycare

(d) The design of the wall complies with any applicable standards in Section 14-16-5-7 (Walls and Fences), including but not limited to Subsection 14-16-5-7(E)(2) (Articulation and Alignment), Subsection 14-16-5-7(E)(3) (Wall Design), and all of the following:

1. The wall or fence shall not block the view of any portion of any window on the front façade of the primary building when viewed from 5 feet above ground level at the centerline of the street in front of the house. PLEASE EXPLAIN:

There is no window inside the 6ft fence

2. The design and materials proposed for the wall or fence shall reflect the architectural character of the surrounding area. PLEASE EXPLAIN:

The material used are 4x4 post weather treated are spaced out every 4 feet on center. The fence panels are regular oak. It does reflect the architectural character of surrounding area. Most of the neighbor's have a similar fence some shorter others 6 ft.

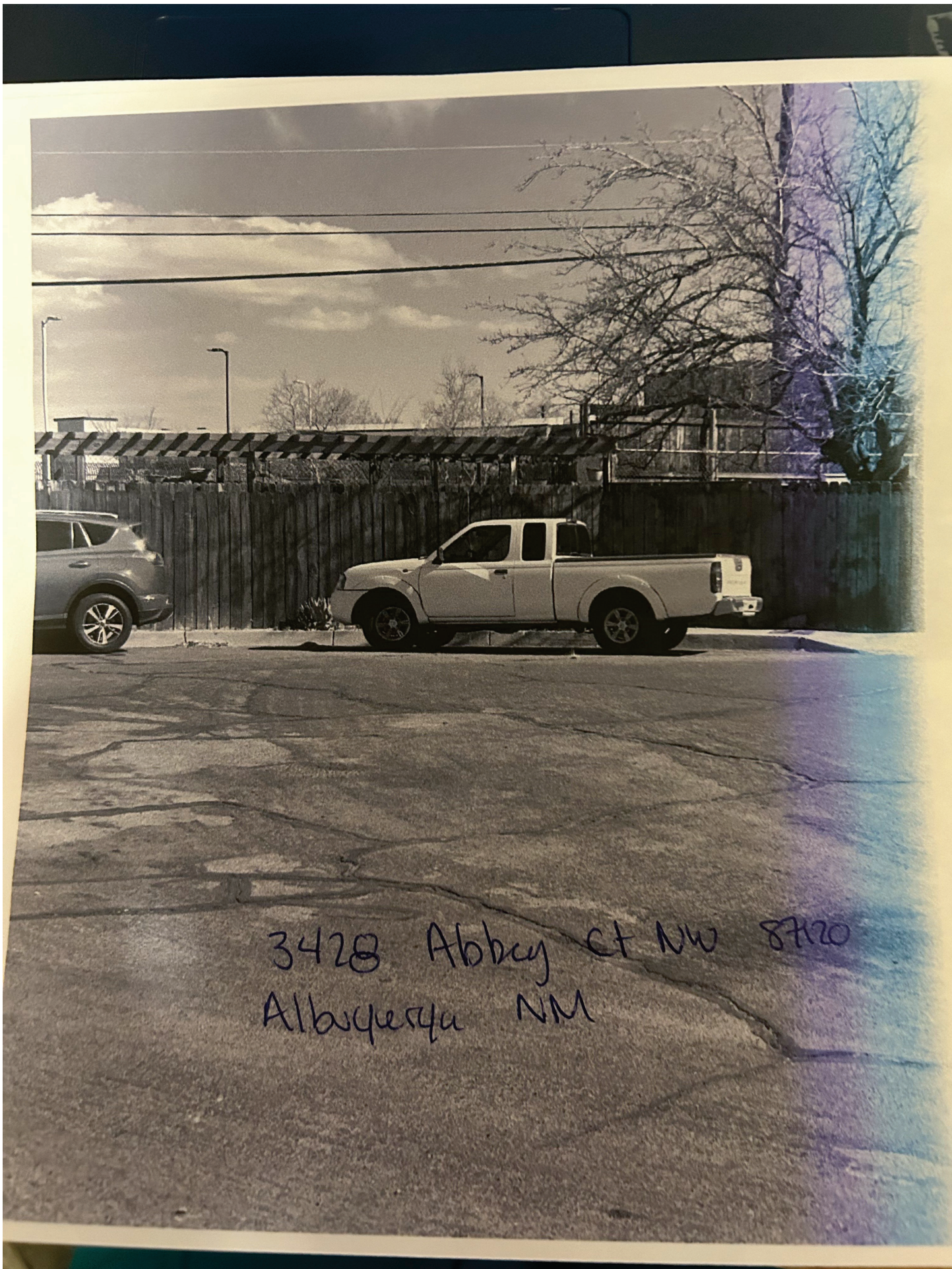
Signature

Cyrril

Date

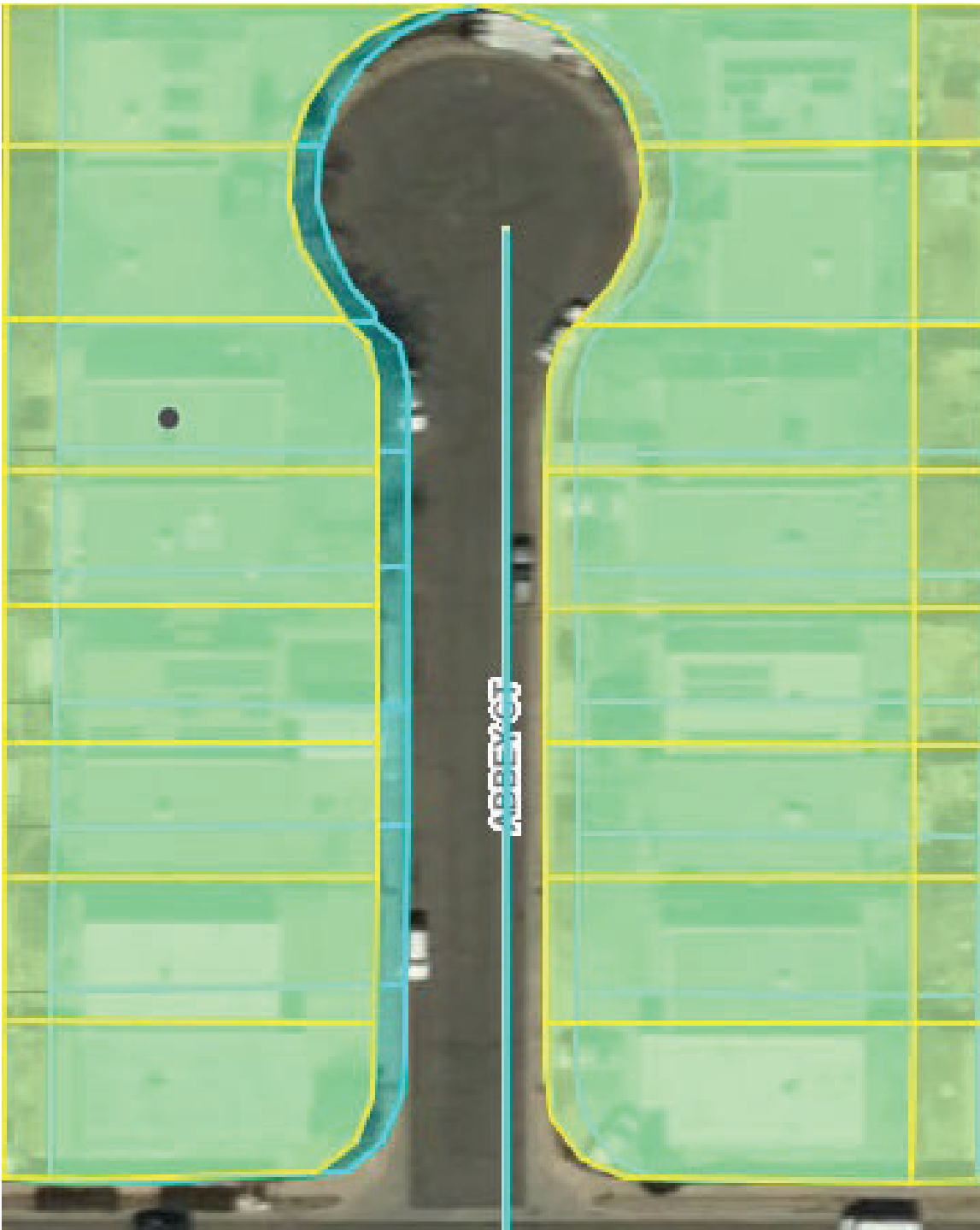
3-12-25







3421 Abbey Ct NW
Albuquerque NM 87126



- Submit photos of properties within 330 linear feet, as illustrated above. (FRONT yard walls over 3 feet).
- Write the address on the front of each photograph and mark the address on the above map.
- Submit both photos and map, with your justification letter.
- 20% of 15 Properties = 3 Photos

VARIANCE JUSTIFICATION - GENERAL

Zoning Hearing Examiner
City of Albuquerque
600 2nd Street NW, 3rd Floor
Albuquerque, NM 87102

RE: Request for Variance of wood fence 6 ft

at 3421 Abbey Court NW 87120 (address of the subject property).

- 1) There are 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 district and vicinity. Those special circumstances create a hardship because It will be a detriment to the appearance of the front of the house and to the neighborhood should the fence be removed. The new fence is creating a positive impact for all properties on the street.
- 2) The Variance will not be materially contrary to the public safety, health, or welfare because The variance will not affect the safety, health or welfare of public, because it is on the property 3421 Abbey Court NW 87120 Alb NM.
- 3) The Variance does not cause adverse impacts on surrounding properties or infrastructure improvements in the vicinity because It is congruent with other surrounding properties on the street, it actually improves the neighborhood in a positive manner.
- 4) The Variance will not materially undermine the intent and purpose of this IDO or the applicable zone district because It is a positive improvement to the district and has a beneficial impact to the appearance of the home and the adjoining properties.
- 5) The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties because Removing the fence would essentially be a negative for the community. It is a positive addition to the home and community similar to adjacent properties with identical fences.

I answered the best of my knowledge.

Signature Cyrus H Date 4-11-25

VARIANCE JUSTIFICATION LETTER GUIDELINES - GENERAL

The Integrated Development Ordinance outlines policies and requirements for deciding requests for variances to dimensional standards.

The burden is on the applicant to show why a change should be made, not on the City to show why the change should not be made.

To justify your request and aid our review, please provide a detailed response to items 1-5 below.

A sample letter is provided.

6-6(N)(3) Review and Decision Criteria

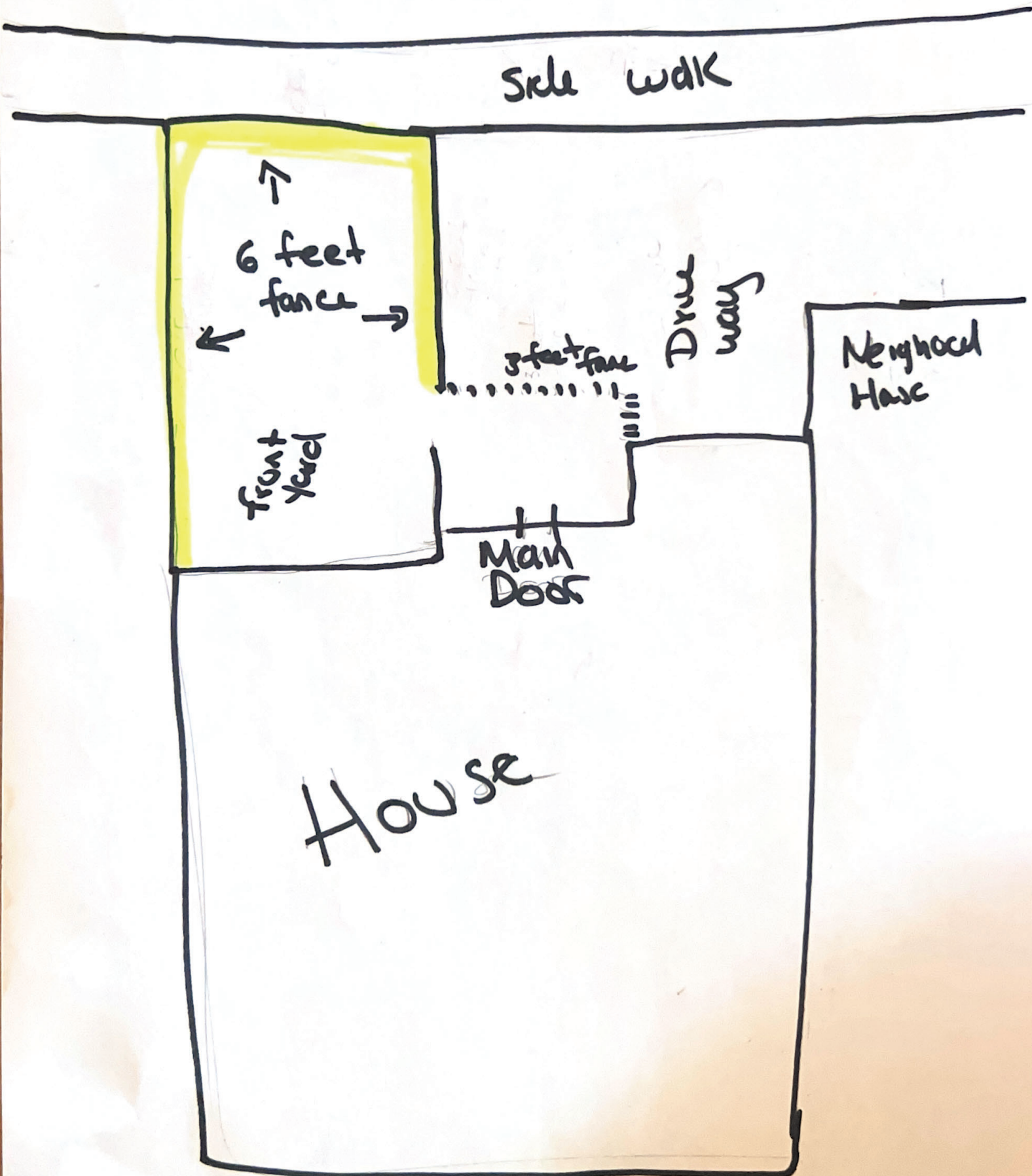
Except as indicated in Subsections (b) and (c) below, an application for a Variance – ZHE shall be approved if it meets all of the following criteria:

- 1) There are 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 district and vicinity, including but not limited to size, shape, topography, location, surroundings, and physical characteristics, and such special circumstances were created either by natural forces or by government eminent domain actions for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or 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 or the applicable zone district.
- 5) The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.

-SEE SAMPLE LETTER-



Sketch Plan



SIGN POSTING AGREEMENT – Zoning Hearing Examiner

All persons requesting a hearing before the Zoning Hearing Examiner are responsible for the posting and maintaining of one or more signs on the property.

Failure to maintain the signs during this entire period may be cause for deferral or denial of the application.

Per Integrated Development Ordinance 14-16-6-4(K)(4): **The applicant shall post at least 1 sign on each street abutting the property that is the subject of the application, at a point clearly visible from that street, for at least 15 calendar days before the public hearing and for the appeal period of 15 calendar days following any decision, required pursuant to Subsection 14-16-6-4(V)(3)(a)1.**

1. LOCATION

- A. The sign shall be conspicuously located within twenty feet of the public sidewalk (or edge of public street).
- B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be at least two feet from the ground.
- C. No barrier shall prevent a person from coming within five feet of the sign to read it.

2. NUMBER

- A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
- B. If the land does not abut a public street, then, in addition to a sign placed on the property, a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

3. PHYSICAL POSTING

- A. A heavy stake with two crossbars or a full plywood backing works best to keep the sign in place, especially during high winds.
- B. Large headed nails or staples help prevent tearing and are best for attaching signs to a post or backing.

Signs must be posted from _____ to _____

Applicant/Agent Signature Cyrene H date 3-12-25

____ sign(s) were issued for the property located at 3421 Abbey Ct NW by DH
Alb NM 87120

INVOICE (INV-00015037)
FOR CITY OF ALBUQUERQUE

BILLING CONTACT

Cynthia Hernandez
3421 abbey court nw
albuquerque, NM 87120



| INVOICE NUMBER | INVOICE DATE | INVOICE DUE DATE | INVOICE STATUS | INVOICE DESCRIPTION |
|----------------|--------------|------------------|----------------|---------------------|
| INV-00015037 | 04/14/2025 | 04/14/2025 | Due | NONE |

| REFERENCE NUMBER | FEE NAME | TOTAL |
|--|--|--------------------------|
| MZP-2025-00003 | Facilitated Meeting Fee for Public Hearing Cases | \$50.00 |
| | Major Zoning Permit Application Fee | \$100.00 |
| | Posted Sign Fee | \$10.00 |
| | Published Notice Fee - Legal Ad | \$75.00 |
| | Technology Fee | \$16.45 |
| 3421 Abbey Ct Nw Albuquerque, NM 87120 | | SUBTOTAL \$251.45 |

REMITTANCE INFORMATION

City of Albuquerque
Department of Finance and Administrative Services
Accounts Receivable Section
P. O .BOX 27780
Albuquerque, NM 87125

TOTAL **\$251.45**



INVOICE (INV-00015043) FOR CITY OF ALBUQUERQUE

BILLING CONTACT

Cynthia Hernandez
3421 abbey court nw
albuquerque, NM 87120

Cynthia Hernandez



| INVOICE NUMBER | INVOICE DATE | INVOICE DUE DATE | INVOICE STATUS | INVOICE DESCRIPTION |
|----------------|--------------|------------------|----------------|---------------------|
| INV-00015043 | 04/14/2025 | 04/14/2025 | Due | NONE |

| REFERENCE NUMBER | FEE NAME | TOTAL |
|--|--|--------------------------|
| VA-2025-00015 | Facilitated Meeting Fee for Public Hearing Cases | \$50.00 |
| | Posted Sign Fee | \$10.00 |
| | Published Notice Fee - Legal Ad | \$75.00 |
| | Technology Fee | \$16.45 |
| | Variance ZHE Application Fee | \$100.00 |
| 3421 Abbey Ct Nw Albuquerque, NM 87120 | | SUBTOTAL \$251.45 |

REMITTANCE INFORMATION

City of Albuquerque
Department of Finance and Administrative Services
Accounts Receivable Section
P. O .BOX 27780
Albuquerque, NM 87125

TOTAL **\$251.45**

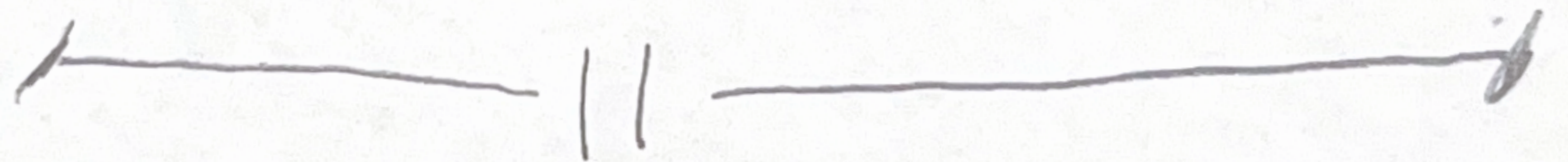


Existing fence at 6^{ft} high.

Corner of
Fence
←

Drive Way

11"



plan: Cut every 4" Panel
at 3F+ high, and
Install mesh inside
open Panels

Corner of Fence

36"

Drive Way "

36"

Side Walk

CITY OF ALBUQUERQUE

PLANNING DEPARTMENT

URBAN DESIGN & DEVELOPMENT DIVISION

600 2nd Street NW Room 190

Albuquerque, NM 87102

Tel: (505) 924-3320



May 16, 2025

Mr. Robert Lucero, Zoning Hearing Examiner

600 2nd Street NW

Albuquerque, New Mexico 87102

***Re: Planning Staff Recommendation / ZHE Case # MZP-2025-00003 & VA-2025-00015
Tall Wall Permit & Variance Application – 3421 Abbey Court NW***

Mr. Lucero:

The City of Albuquerque Planning Department received and reviewed ZHE Case # MZP-2025-00003 & VA-2025-00015 requesting a tall wall permit & wall height variance at the following location: Lot 3, 14, Block 2, Katherine Village, 3421 Abbey Court NW, Albuquerque, NM 87120 zoned R-T.

After review and consideration of all case material, it is the our recommendation to the ZHE case # MZP-2025-00003 & VA-2025-00015 be **APPROVED** with the following stipulations:

- 1. If granted approval by the ZHE, please notate in the Notice of Decision “Approval from the ZHE shall only constitute approval of the variance application(s) # MZP-2025-00003 & VA-2025-00015 and does not constitute authorization of any construction commencement on their lot. The Applicant shall complete all required permit applications with the City of Albuquerque appropriate permit department prior to commencing any construction”.*

Should you have any questions, you may contact me directly via email at asena@cabq.gov or telephone at 505.924.3839.

Respectfully submitted,

//signed//

Adam Sena, Senior Planner

cc: File / ZHE Case # MZP-2025-00003 & VA-2025-00015

**City of Albuquerque - Zoning Hearing Examiner****Agenda Item # 01 & 02****Hearing Date: May 20th, 2025****Cases: MZP-2025-00003 / PR-2025-020042****VA-2025-00015 / PR-2025-020042****Assigned Planner(s): Adam Sena, Senior Planner****Misa K. Bloom, Planner**

Cynthia Hernandez requests a Tall wall permit and a Variance of 3ft to the allowed 3ft wall height in the front yard for Lot 3, 14, Block 2, Katherine Village, located at 3421 Abbey Ct NW, zoned R-T (G-11) [IDO Section 14-16-5-7(D)(1), Table 5-7-1] & [IDO Section 14-16-5-7(D)(3), Table 5-7-2].

Ownership: Cynthia Herrera-Anchondo & Rosa E. Anchondo-Teran

Zone District/Purpose: RT: The purpose of the R-T zone district is to accommodate a mix of single-family, two-family, and townhouse uses, as well as limited civic and institutional uses to serve the surrounding residential area. Other allowable uses are shown in Table 4-2-1.

Allowable Use: N/A

Applicable Comp Plan Designation(s):

- Area of Consistency

Applicable Overlay Zones:

- Coors Boulevard – CPO-2

Applicable Dimensional/Development Standards:

5-7(D)(3) Exceptions to Maximum Wall Height

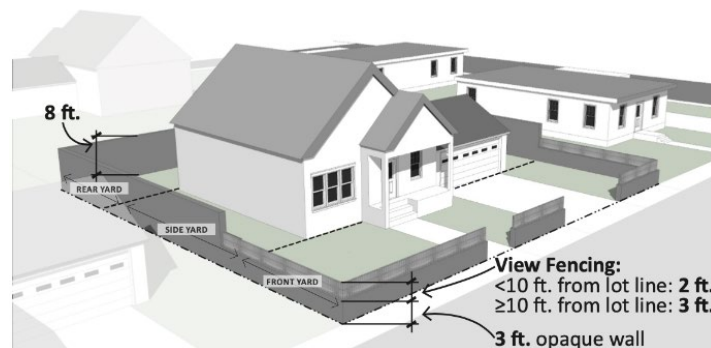
| Table 5-7-2: Options for a Taller Front or Side Yard Wall ^[1] | | |
|--|---------------------|-----------------|
| Wall Type and Location | Maximum Wall Height | Illustration |
| View Fencing | | |
| View fencing at most 50 percent opaque may be added above 3 ft. to increase the total height of the wall as follows: | | |
| <10 ft. from lot line abutting the street | 5 ft. | 5-7(D)(3)(a)2.a |
| ≥10 ft. from lot line abutting the street | 6 ft. | 5-7(D)(3)(a)2.a |
| Courtyard Walls | | |
| ≥10 ft. from lot line abutting the street or edge of the sidewalk closest to the | 6 ft. | 5-7(D)(3)(a)2.b |

**Table 5-7-2: Options for a Taller Front or Side Yard Wall^[1]**

| Wall Type and Location | Maximum Wall Height | Illustration |
|---|---------------------|--------------|
| primary building, whichever is more restrictive | | |
| Corner Lots | | |
| On a corner lot where the rear yard abuts the front yard of a residentially zoned lot, a taller wall enclosing the rear yard may be approved as follows: | | |
| <10 ft. from the lot line abutting the street | 5 ft. | 5-7(D)(2) |
| [1] The maximum wall heights in this table require an approval pursuant to the standards in Subsections 14-16-Error! Reference source not found. and 14-16-6-6(H) (Permit – Wall or Fence – Major). | | |

a. Illustration for View Fencing**Residential**

View Fencing (Requires Wall Permit-- Major)

**5-7(D)(3)(e) All Development in Any Zone District**

1. Except where a Permit – Wall or Fence – Major is required pursuant to Subsection 14-16-5-7(D)(3)(a)2 above or where prohibited pursuant to Subsection 14-16-5-7(D)(3)(a)3 above, the Zoning Enforcement Officer (ZEO) may make an exception to the height standards in Table 5-7-1 for critical infrastructure facilities due to security reasons, specific site conditions, or related materials and facilities on the site, pursuant to Subsection 14-16-6-5(F) (Permit – Wall or Fence – Minor).
2. Design elements may project vertically 2 feet above the maximum wall height. Such elements shall have a maximum width of 5 feet and are allowed at intervals of no less than 50 feet.



3. Retaining walls are subject to the height restrictions in Subsection 14-16-5-7(F)(1) (Maximum Height).

5-7(D) MAXIMUM WALL HEIGHT

5-7(D)(1) Maximum Wall Height Table

5-7(D)(1)(a) Unless specified otherwise in Subsection 14-16-5-7(D)(3) (Exceptions to Maximum Wall Height) or elsewhere in this IDO, walls shall comply with the height standards in Table 5-7-1.

5-7(D)(1)(b) Requests for walls taller than allowed by Table 5-7-1 and Subsection 14-16-5-7(D)(3) (Exceptions to Maximum Wall Height) or elsewhere in this IDO (i.e. requirements for buffering or screening purposes in Section 14-16-5-5 (Parking and Loading), Subsection 14-16-5-6(E) (Edge Buffer Landscaping), Subsection 14-16-5-6(F) (Parking Lot Landscaping), Subsection 14-16-5-6(G) (Screening of Mechanical Equipment and Support Areas), or Section 14-16-5-9 (Neighborhood Edges)) must obtain a Variance approval and shall meet the additional requirements in Subsection 14-16-5-7(E)(2) (Articulation and Alignment).

1. A Variance to walls associated with a Site Plan – EPC are pursuant to Subsection 14-16-6-6(H) (Variance – EPC).
2. All other Variance requests for wall standards are pursuant to Subsection 14-16-6-6(O) (Variance – ZHE).

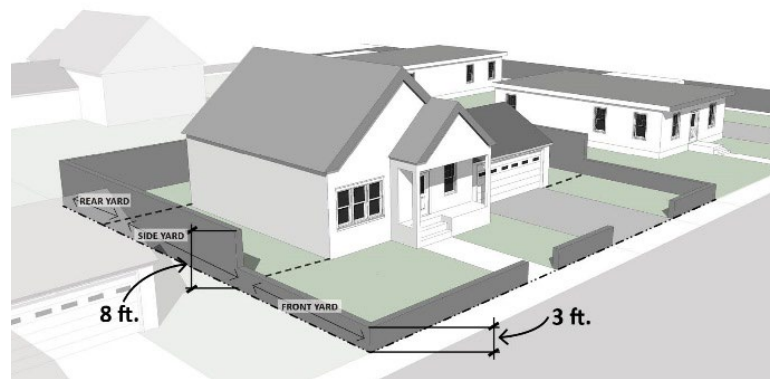
| Table 5-7-1: Maximum Wall Height | | | | | |
|--|-------------|---|--|--------------------------------|---------------------------|
| Zone Category | Residential | Mixed-use | Non-residential (NR-C, NR-BP) ^[1] | Non-residential (NR-LM, NR-GM) | See also: |
| Standard Wall Height | | | | | |
| Wall in the front yard or street side yard ^{[2][3][4][5]} | 3 ft. | 3 ft. | 3 ft. | 6 ft. | 5-7(D)(2) |
| Wall in other locations on the lot ^{[6][7]} | 8 ft. | 8 ft. | 8 ft. | 10 ft. | 5-7(D)(2) |
| Corner Lot Abutting Residential Zone District | | | | | |
| Any portion of a wall in the rear yard abutting the front yard of a Residential zone district. | | | | | |
| <10 ft. from the lot line abutting the street ^[2] | 3 ft. | 3 ft. | 3 ft. | 6 ft. | 5-7(D)(2) 5-7(D)(3)(a) |
| ≥10 ft. from the lot line abutting the street | 6 ft. | 8 ft. Low-density residential: 6 ft. | 8 ft. | 8 ft. | 5-7(D)(2) |
| Walls Abutting Major Arroyos and Major Public Open Space | | | | | |
| Wall in a rear or interior side yard abutting a major arroyo | 6 ft. | 8 ft. | 8 ft. | 8 ft. | 5-7(D)(2) 5-7(E)(4) |



| Table 5-7-1: Maximum Wall Height | | | | | |
|--|-------------|-----------|--|--------------------------------|------------------------|
| Zone Category | Residential | Mixed-use | Non-residential (NR-C, NR-BP) ^[1] | Non-residential (NR-LM, NR-GM) | See also: |
| Wall in a rear or interior side yard abutting Major Public Open Space | 6 ft. | 6 ft. | 6 ft. | 10 ft. | 5-7(D)(2) 5-7(E)(4) |
| <p>[1] In the NR-BP zone district, wall heights shall be specified in the Master Development Plan. If no Master Development Plan exists or if no wall heights are specified in the Master Development Plan, then the wall height requirements in this table apply.</p> <p>[2] Taller walls may be approved for low-density residential development pursuant to Subsections 14-16-Error! Reference source not found.</p> <p>[3] Taller walls may be approved for multi-family residential development pursuant to Subsection 14-16-Error! Reference source not found.</p> <p>[4] Taller walls may be approved in any Mixed-use zone district pursuant to Subsection 14-16-Error! Reference source not found.</p> <p>[5] Taller walls may be approved in any NR-C or NR-BP zone district pursuant to Subsection 14-16-Error! Reference source not found.</p> <p>[6] Portions of walls in the rear yard of a corner lot abutting the front yard of a Residential zone district are treated differently, with provisions later in this table.</p> <p>[7] Where the rear yard of a through lot abuts at least 1 lot with any residential development that faces the second public street, the rear and side walls shall be subject to the same height restrictions applicable within the required front setback of the abutting residential property.</p> | | | | | |

5-7(D)(2)

Wall Illustrations

Residential
Standard Wall

5-7(E) MATERIALS AND DESIGN

5-7(E)(1)

Materials and Texture

5-7(E)(1)(a) Unless specified otherwise in this IDO, walls may be opaque.

5-7(E)(1)(b) Acceptable wall materials include, but are not limited to, concrete masonry unit (CMU) blocks or other structural materials; stabilized adobe; split face blocks; slump blocks; bricks; stone; glass blocks; curved interlock blocks; wood; tubular steel; wrought iron bars; chain link fencing; other grill work; or a combination of these materials, with the following exceptions.

1.Exposed flat-faced CMU blocks shall not constitute more than 50 percent of any wall facing a public street or City park or trail.



2.Except in the R-A, R-1, NR-LM, or NR-GM zone districts, chain link fencing (with or without slats) shall not be allowed on any portion of a site visible from a public street, City park or trail, Major Public Open Space, or major arroyo. Chain link fencing is allowed as temporary security fencing during active construction in any zone district.

5-7(E)(1)(c) Barbed tape, razor wire, barbed wire, or similar

Traffic Recommendations:

After review of the provided application, Transportation has no objection to Tall wall permit or the variance.

Planning Review & Findings:

Review:

A Variance application was submitted requesting to allow for a Tall Wall Permit – Major & a variance of 3 ft to the allowed wall height in the front yard in a R-T zone district pursuant to the requirements in the City of Albuquerque IDO Sections 14-16-5-7(D)(3) Table 5-7-2 & 14-16-5-7(D)(1) Table 5-7-1 in a residential – single-family zone district. The case is scheduled before the ZHE on May 20, 2025 hearing with all evidence presented by the applicant.

This planner has reviewed the case file and finds all action taken by the applicant to address any potential concerns of the ZHE. Notification was provided as required by the IDO. The variance application poses no threat or harm to the surrounding properties in the neighborhood.

Findings & Recommendations:

1. Traffic & Transportation. No objection to the applications for the Tall wall permit and the variance.
2. Planning has verified the property located at Lot 3, 14, Block 2, Katherine Village, located at 3421 Abbey Court NW located in a R-T zone district.
3. Planner has physically verified all signage was visibly posted on property for the required time prior to the scheduled meeting in accordance with all City of Albuquerque IDO code requirements prior to the May 14, 2025 ZHE hearing.
4. The applicant, in their justification letter has met 3 of the 4 requirements for variance as outlined in IDO Section 6-6(O)(3)(a):



- a. 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.
 - i. Applicant's Response: It will be a detriment to the appearance of the front of the house and to the neighborhood should the fence be removed. The new fence is creating a positive impact for all properties on the street.
- b. The Variance will not be materially contrary to the public safety, health, or welfare.
 - i. Applicant's Response: The variance will not affect the safety, health or welfare of public, because it is on the street it actually improves the neighborhood in a positive manner.
- c. The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.
 - i. Applicant's Response: It is congruent with other surround properties on the street it actually improves the neighborhood in a positive manner.
- d. The Variance will not materially undermine the intent and purpose of this IDO, the applicable zone district, or any applicable Overlay Zone.
 - i. Applicant's Response: It is a positive improvement to the district and has a beneficial impact to the appearance of the home and the adjoining properties.
- e. The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.



- i. Applicant's Response: Removing the fence would essentially be a negative for the community. It is a positive addition to the home and community similar to adjacent properties with identical fences.
5. There were no letters of support or opposition received for this ZHE case.
6. In review of the application there is one stipulation required to ensure the applicant's compliance with all standing codes and laws governing construction of a residential addition.
 - a. If granted approval by the ZHE, please notate in the Notice of Decision "Approval from the ZHE shall only constitute approval of the variance application(s) # MZP-2025-00003 & VA-2025-00015 and does not constitute authorization of any construction commencement on their lot. The Applicant shall complete all required permit applications with the City of Albuquerque appropriate permit department prior to commencing any construction".
7. The applicant made sufficient notification in compliance with the City of Albuquerque Integrated Development Ordinance (IDO) to the following entities:
 - a. Three Neighborhood Associations were notified:
 - i. Paradise Hills Civic Association
 - ii. Taylor Ranch Neighborhood Association
 - iii. Vista Grande Neighborhood Association
 - b. All required property owners within a 100 foot radius of the subject property.
8. This case meets all application and notification requirements set forth within the City of Albuquerque Integrated Development Ordinance (IDO) to be heard in a public hearing where the Zoning Hearing Examiner will hear additional evidence and make a written decision pursuant to applicable provisions of the IDO Section 14-16-6-4.



AERIAL IMAGERY

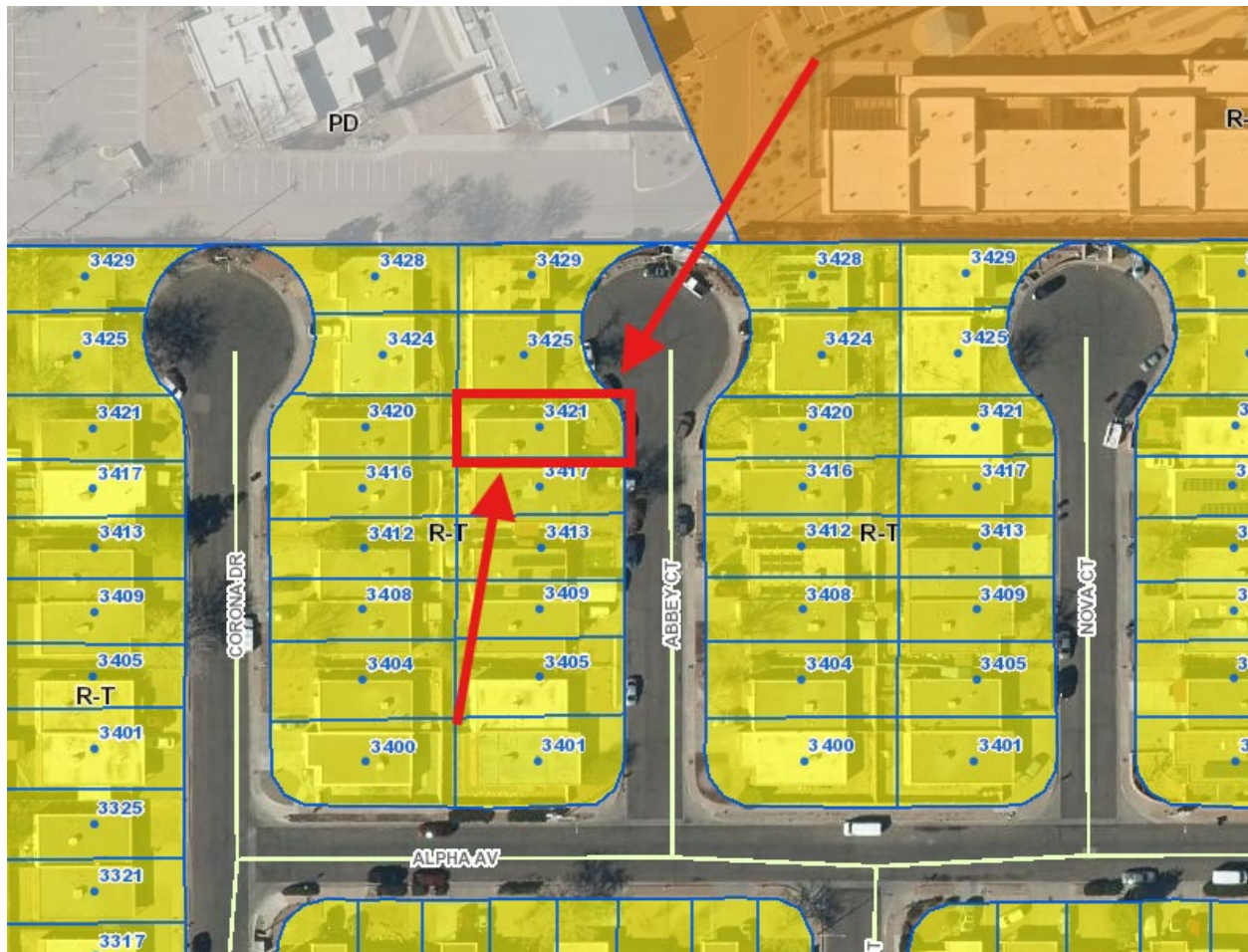
Cynthia Hernandez requests a Tall wall permit and a Variance of 3ft to the allowed 3ft wall height in the front yard for Lot 3, 14, Block 2, Katherine Village, located at 3421 Abbey Ct NW, zoned R-T (G-11) [IDO Section 14-16-5-7(D)(1), Table 5-7-1] & [IDO Section 14-16-5-7(D)(3), Table 5-7-2].





AREA MAP

Cynthia Hernandez requests a Tall wall permit and a Variance of 3ft to the allowed 3ft wall height in the front yard for Lot 3, 14, Block 2, Katherine Village, located at 3421 Abbey Ct NW, zoned R-T (G-11) [IDO Section 14-16-5-7(D)(1), Table 5-7-1] & [IDO Section 14-16-5-7(D)(3), Table 5-7-2].





PROPERTY NOTIFICATION

Cynthia Hernandez requests a Tall wall permit and a Variance of 3ft to the allowed 3ft wall height in the front yard for Lot 3, 14, Block 2, Katherine Village, located at 3421 Abbey Ct NW, zoned R-T (G-11) [IDO Section 14-16-5-7(D)(1), Table 5-7-1] & [IDO Section 14-16-5-7(D)(3), Table 5-7-2].

ANDREAS KAREN E
3413 NOVA CT NW
ALBUQUERQUE NM 87120

ARAGON MARIO & EDENIA
3424 CORONA DR NW
ALBUQUERQUE NM 87120-1240

ARCHUNDE GILBERT J
3412 ABBEY CT NW
ALBUQUERQUE NM 87120-1201

BUCK CHERYL
3404 CORONA DR NW
ALBUQUERQUE NM 87120-1240

CHAVEZ PATRICIA L
PO BOX 3202
ALBUQUERQUE NM 87190-3202

DOELLER THOMAS M
PO BOX 94537
ALBUQUERQUE NM 87199-4537

FURNEE JANET LEE
3420 CORONA DR NW
ALBUQUERQUE NM 87120-1240

GONZALES JEANETTE
3416 CORONA DR NW
ALBUQUERQUE NM 87120-1240

HAIGHT JOHN W
3421 NOVA CT NW
ALBUQUERQUE NM 87120

HARRIGER WILLIAM J
3412 CORONA DR NW
ALBUQUERQUE NM 87120

HERRERA-ANCHONDO CYNTHIA &
ANCHONDO-TERAN ROSA E
3421 ABBEY CT NW
ALBUQUERQUE NM 87120-1201

MELENDEZ DANIEL P & RACHAEL S
1210 SAN JUAN DR NW
ROSWELL NM 88201

MORA MICAYLA
3424 ABBEY CT NW
ALBUQUERQUE NM 87120-1201

MORGAN COURTNEY
3409 ABBEY CT NW
ALBUQUERQUE NM 87120-1201

OLIPHANT LISA C/O 3428 CORONA
LLC
6712 ACADEMY RD NE SUITE B
ALBUQUERQUE NM 87109-0000

PARRA-TORRES CECILIA
3425 ABBEY CT NW
ALBUQUERQUE NM 87120-1201

POHL MARISSA U & POHL ALEXA R
C/O MONTOYA NICOLITA
3417 ABBEY CT NW
ALBUQUERQUE NM 87120-1201

POLLOCK DENNIS
3428 ABBEY CT NW
ALBUQUERQUE NM 87120

ROMERO-MILLOWAY DANIEL
3420 ABBEY CT NW
ALBUQUERQUE NM 87120-1201

SANCHEZ DAVID J
3405 ABBEY CT NW
ALBUQUERQUE NM 87120-1201

SANCHEZ RAMONITA
3413 ABBEY CT NW
ALBUQUERQUE NM 87120



PROPERTY NOTIFICATION

Cynthia Hernandez requests a Tall wall permit and a Variance of 3ft to the allowed 3ft wall height in the front yard for Lot 3, 14, Block 2, Katherine Village, located at 3421 Abbey Ct NW, zoned R-T (G-11) [IDO Section 14-16-5-7(D)(1), Table 5-7-1] & [IDO Section 14-16-5-7(D)(3), Table 5-7-2].

TRUJILLO DIANE MARIE
3408 ABBEY CT NW
ALBUQUERQUE NM 87120-1201

URIOSTE ROSEANNA J
3416 ABBEY CT NW
ALBUQUERQUE NM 87130

VALENCIA CINDY & ANTHONY M
3429 NOVA CT NW
ALBUQUERQUE NM 87120-1241

WILBURN PAMELA J
3429 ABBEY CT NW
ALBUQUERQUE NM 87120-1201

WILL SYLVIA A & CASTRO MARIA J
3417 NOVA CT NW
ALBUQUERQUE NM 87120-1241

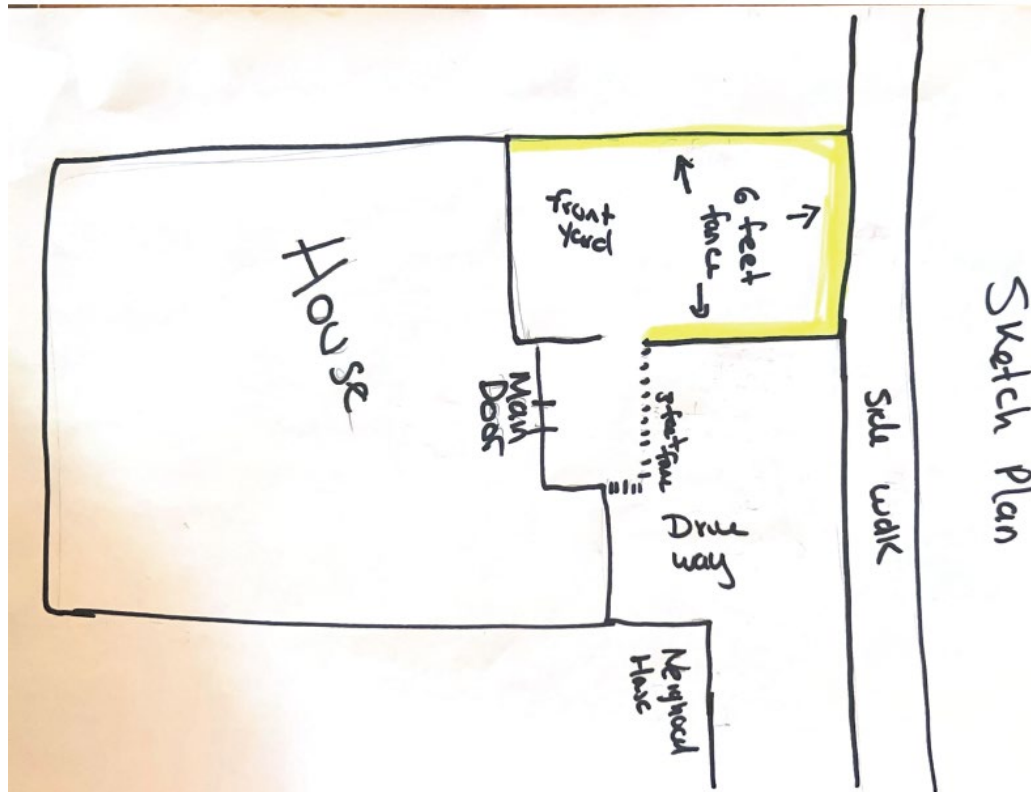
YOUTH & FAMILY CENTERED
SERVICES OF NEW MEXICO INC
14400 METCALF AVE
OVERLAND PARK KS 66223-2989

YOUTH & FAMILY CENTERED
SERVICES OF NM
14400 METCALF AVE
OVERLAND PARK KS 66223



PROPERTY IMAGES

Cynthia Hernandez requests a Tall wall permit and a Variance of 3ft to the allowed 3ft wall height in the front yard for Lot 3, 14, Block 2, Katherine Village, located at 3421 Abbey Ct NW, zoned R-T (G-11) [IDO Section 14-16-5-7(D)(1), Table 5-7-1] & [IDO Section 14-16-5-7(D)(3), Table 5-7-2].



| CABQ Traffic Engineer Comments | | | | | | | | | |
|--------------------------------|--------------------------------|----------------|------------------|----------------|-----------|----------------------------------|----------|--|--|
| Case Number | Subject Property Location | Project Number | ZHE Case Type | First Name | Last Name | Commenting Agency/ Department | Status | Comment | |
| MZP-2025-00003 | 3421 Abbey Ct NW | PR-2025-020042 | Tall Wall Permit | Sertil | Kanbar | CABQ Planning / Transportation | Approved | After review of the provided application, Transportation has no objection to Tall wall permit | |
| VA-2025-00015 | 3421 Abbey Ct NW | PR-2025-020042 | Variance | Muhammad Saeed | Zafar | CABQ Planning / Transportation | Approved | After review of the provided application, Transportation has no objection to variance. | |
| CU-2025-00007 | 1913 Eubank Blvd NE | None | Conditional Use | Muhammad Saeed | Zafar | CABQ Planning / Transportation | Approved | After review of the provided application, Transportation has no objection to variance. | |
| CU-2025-00009 | 4500 Osuna Rd NE | None | Conditional Use | Muhammad Saeed | Zafar | CABQ Planning / Transportation | Approved | After review of the provided application, Transportation has no objection to Conditional Use for a retail store to sell vapor/nicotine products and accessories. | |
| CU-2025-00011 | 10517 Toltec Rd NE Application | None | Conditional Use | Muhammad Saeed | Zafar | CABQ Planning / Transportation | Approved | After review of the provided application, Transportation has no objection to variance. | |
| CU-2025-00012 | 99999 NM 528 NW | None | Conditional Use | Muhammad Saeed | Zafar | CABQ Planning / Transportation | Approved | After review of the provided application, Transportation has no objection. | |
| CU-2025-00015 | 7019 Starshine St NE | None | Conditional Use | Sertil | Kanbar | CABQ Planning / Transportation | Approved | After review of the provided application, Transportation has no objection to Conditional Use for a Daycare. | |

| Case Number | Subject Property Location | Project Number | ZHE Case Type | First Name | Last Name | Commenting Agency/ Department | Status | Comment | |
|----------------|---------------------------|----------------|------------------|----------------|-----------|-----------------------------------|-----------------------|--|--|
| MZP-2025-00002 | 4808 Choctaw Trl NW | None | Carport Permit | Muhammad Saeed | Zafar | CABQ Planning / Transportation | Approved | After review of the provided application, Transportation has no objection to allow the construction of a carport as long as it is not intercepting traffic any traffic view on Choctaw trail. | |
| MZP-2025-00004 | 1201 Menaul Blvd NE | None | Tall Wall Permit | Muhammad Saeed | Zafar | CABQ Planning / Transportation | Approved | After review of the provided application, Transportation has no objection to variances. | |
| MZP-2025-00005 | 643 Cedar St NE | None | Carport Permit | Steve | Herrera | CABQ Planning / Transportation | Approved | No final inspection required. | |
| VA-2025-00021 | 722 Rim Dr SW | PR-2025-020051 | Variance | Sertil | Kanbar | CABQ Planning / Transportation | Approved | After review of the provided application, Transportation has no objection to Variance Wall height | |
| MZP-2025-00006 | 722 Rim Dr SW | PR-2025-020051 | Tall Wall Permit | Sertil | Kanbar | CABQ Planning / Transportation | Approved | After review of the provided application, Transportation has no objection to Tall wall permit | |
| VA-2025-00019 | 1624 57th St NW | None | Variance | Muhammad Saeed | Zafar | CABQ Planning / Transportation | Approved | After review of the provided application, Transportation has no objection to variances. | |
| VA-2025-00020 | 1736 Central Ave SW | PR-2024-010933 | Variance | Muhammad Saeed | Zafar | CABQ Planning / Transportation | Requires Re-Submittal | After review of the provided application, Transportation has objection to variance. The requested sidewalk variance should go through an approval from DHO. ZHE cannot approve the sidewalk variances. | |
| VA-2025-00022 | 7 Chacon PL NW | None | Variance | Muhammad Saeed | Zafar | CABQ Planning / Transportation | Approved | After review of the provided application, Transportation has no objection to variance. | |



**Hearing on Special Exceptions
to the Integrated Development Ordinance**

MINUTES

May 20, 2025

600 2nd St NW, Albuquerque, NM 87102

CITY STAFF PRESENT:

Robert Lucero – Zoning Hearing Examiner

**Michael Vos – ZHE Principal Planner & ZEO, Planning
Department**

Adam Sena – ZHE Senior Planner, Planning Department

Diane Hernandez – ZHE Admin. Assistant

MZP-2025-00003
PR-2025-020042
3421 Abbey Court NW
MZP-2025-00016

Robert Lucero: Okay with that. Let's go ahead and begin. Naomi, if you come back online and we're gonna start with the 1st 2nd agenda items which will be heard together.

Naomi Todd-Reyes- Interpreter: Comensar con los primeras partidas en el Orden del dia se van Escuchar en UN conjunto.

Robert Lucero: Those are agenda items one and two. MZP-2025-00003.

Naomi Todd-Reyes- Interpreter: Son los numeros unidos en la lista de casos. Ms. M es tapados me 20 cinco 0 0 tres y 0 0 0 quince.

Robert Lucero: They are both listed under PR-2025-020042.

Naomi Todd-Reyes- Interpreter: Los dos estan de numerados pajo pere re dos 20 dos.

Robert Lucero: Cynthia Hernandez requests a tall wall permit major for Lot 14, Block 2, Katherine Village located at 3, 4, 2, 1 Abbey Court, Northwest, which is zoned RT.

Naomi Todd-Reyes- Interpreter: Cynthia Hernandez pide el permiso para un muro alto mayor, para catorce, quadra dos, Catherine village ubicado en la calle abbey court northwest 20 unos unificado, RT.

Robert Lucero: And the same applicant requests a variance of 3 feet to the allowed 3-foot wall height in the front yard at the same property, same address.

Naomi Todd-Reyes- Interpreter: Y la misma solicitante pidi unavarianza de tres pies para eltura del muro en el jardin de enfrente para la misma direcion.

Robert Lucero: Do we have a Miss Hernandez here?

Naomi Todd-Reyes- Interpreter: Se encuentre la Senora Cynthia Hernandez. Cynthia Hernandez esta saca para presentar tu caso.

Naomi Todd-Reyes- Interpreter: Yes, I'm here.

Robert Lucero: Good morning, Miss Hernandez. Would you please state your full name and mailing address for the record.

Naomi Todd-Reyes- Interpreter: Muy buenos días, seniora Hernandez, puede enumerar para nos otros unbre a pido completo y su direciion para que constantas.

Cynthia: Buenos dias mi nombre Cynthia Hernandez y la Derecione Estri de cuatrovinci uno avicor norwes hayente siete siento vinte.

MZP-2025-00003
PR-2025-020042
3421 Abbey Court NW
MZP-2025-00016

Naomi Todd-Reyes- Interpreter: Good morning. Yes, my name is Cynthia Hernandez, and my address is 3, 4, 2, 1 Abbey Court, northwest, 8, 7, 1, 2, 0.

Robert Lucero: Thank you, and please raise your right hand.

Naomi Todd-Reyes- Interpreter: Yeah.

Robert Lucero: And do you swear or affirm, under penalty of perjury, that your testimony today will be true?

Naomi Todd-Reyes- Interpreter: Usted juro, O afirmas, O pena de purio que su declaracione testimonial del diado eso verdad.

Cynthia: Okay.

Naomi Todd-Reyes- Interpreter: Yes.

Robert Lucero: Thank you. You could lower your hand. Please tell me about the applications.

Naomi Todd-Reyes- Interpreter: Cuenta me de sus solicitudes.

Cynthia: Lamos applicanto para poder dejar la verda

Naomi Todd-Reyes- Interpreter: Yes, we are asking. We are applying to be able to raise the wall height to 6 feet. I'm sorry my husband is here with me, and I feel like he understands what we're asking for. Better would he be able to speak.

Robert Lucero: Yes, that'd be fine. Let's get you sworn in, are you there, sir?

Naomi Todd-Reyes- Interpreter: Muy bien, senior solo necesitamos. Oh.

Lorenzo Hernandez: Yes, sir.

Naomi Todd-Reyes- Interpreter: Do you want me to keep interpreting, Robert?

Lorenzo Hernandez: I think I'm fine.

Robert Lucero: Okay, yeah. So he says he's okay. Thank you. Go ahead, sir. Would you please state your full name and mailing address for the record.

Lorenzo Hernandez: Yes, my name is Lorenzo Hernandez. I live in 1719 Avenida Real Albuquerque, New Mexico, 8, 7, 1 0, 5.

MZP-2025-00003
PR-2025-020042
3421 Abbey Court NW
MZP-2025-00016

Robert Lucero: Thank you, sir. Please raise your right hand, and do you swear or affirm, under penalty of perjury, that your testimony today will be true?

Lorenzo Hernandez: Yes, sir.

Robert Lucero: Thank you. Please tell me about the requests.

Lorenzo Hernandez: So, the request was, we did a major upgrade on the house because we turned it into a commercial house for daycare. We pulled permits. Last year everything went smooth. We got the CEO. Then we decided to build a taller fence in the front for the kids, because it's a daycare, and for privacy, and we never. I never imagined that we needed a permit for that otherwise I would have pulled the permits when I pulled the pulled the other permits for the for the construction of the of the of the building.

So we have kind of rowdy neighbors, so we didn't want kids to see that stuff, and we have a lady next door that likes to smoke outside. It smokes marijuana, and we didn't want the kids to see that, you know. So, for their safety and for, you know, just to keep them away from all that stuff, seeing all that stuff, and I never imagined we pulled, and we also we also we're fine. So we paid all the fines. So we're hoping to keep it, and I did do a floor plan of how we can fix it.

Removing every other panel on that on the corner of the of the fence, removing every other panel at 3 feet, and maybe put a mesh on the inside kind of to protect it, because it's I guess it's obscuring that bit that corner from a pedestrian. Does that make sense?

Robert Lucero: The clear. The Mini Clear site, triangle.

Lorenzo Hernandez: Yes, sir, and we never knew about that. But I mean, don't nobody ever walked through that sidewalk? Nobody. If they do, they cross the street, and it's just 2 houses next to us that that's gonna block them. But they never come outside. They never walk in front of the sidewalk. We've never seen a pedestrian walking on that sidewalk, never!

And we never imagined that we needed a permit. So and another thing was that. But there's a there's a space between what the driveway is, and this and the fence. I mean we. There's a about 10 foot space, so I. I'm pretty sure, potentially. It's gonna you know. See the car backing up because there's a there's a gap between the driveway and the the fence, which is also concrete. But we can. We can block that off so people will try Park there. Do you know what I mean?

Robert Lucero: let me see, I was just looking at the photos that are here, because, I do see this sort of, looks like a pine wood fence and it's labeled with your address or the you know the property. Address 3, 4, 2, and Abbey. So I see what you're talking about about removing every other one. And then I see 2 other photos. Let's see 3, 4, 2, 0, Abbey, and 3, 4, 2, 8, Abbey are those within the buffer map of the 330 linear feet.

Lorenzo Hernandez: I have no idea. I have no clue.

MZP-2025-00003
PR-2025-020042
3421 Abbey Court NW
MZP-2025-00016

Robert Lucero: Okay, because one of the requirements is that for the for the taller wall permit, one of the requirements is that 20% of the properties within 330 linear feet of the subject property have to have a fence in the front yard that's above 3 feet in height and I see 3 photos here, but one of them is the subject property, you know, so it has to be 3 other properties, 3, not including the subject property. And so I unless there's 3, you know, I'd be forced to deny it. Do you know, if there are 3 properties within 330 linear feet that have a tall taller wall in the front yard.

Lorenzo Hernandez: The guy across the street has one.

Robert Lucero: What's the address of that.

Lorenzo Hernandez: I have no clue.

Robert Lucero: Okay, we do this because,

Cynthia: I have the address for the person who is in front of us on the corner, too.

Robert Lucero: Oh, yeah, what's that one.

Cynthia: One is 3420, Abbey Court northwest, and the other one is 3428, Abbey Court, northwest.

Robert Lucero: Okay, is there another one on that cul-de-sac.

Lorenzo Hernandez: No.

Robert Lucero: Okay.

Lorenzo Hernandez: But there's a few around the block. And it's almost the same thing. So I mean, I work for a general contractor. And I've asked my bosses, and they say you know what you don't need. I don't think you need a permit so I mean I I asked the wrong person. I asked the wrong person, and if they're general contractors or general contractors. But that that was my mistake, and if I if I would have known you know what I mean, I would have on a different route, different material, or something.

Robert Lucero: Okay. No, that's all. I understand these things happen. Let me see. Let me just go through and see if I had any other questions. Did you have anything else that you wanted to add that maybe you didn't have a chance to put in your written submittals?

Lorenzo Hernandez: So just every other panel at 3 feet, and and put a some kind of mesh like a green mesh, so it can be. That corner can be visible from the sidewalk. And like I said, there's there's 2 spots there, but they actually park in the actual driveway, and then the middle. The middle piece is when they drop off. The kids. If you know what I mean.

MZP-2025-00003
PR-2025-020042
3421 Abbey Court NW
MZP-2025-00016

Robert Lucero: Okay, all right. Let's see, is there anything else that you'd like to add before I call for public comment?

Lorenzo Hernandez: No, sir!

Robert Lucero: Okay, let's see if there's any public comment then, and if so, you'll have the chance to respond. Let's see. So again, for everyone here. These are agenda items, 1 and 2 being heard together. Please raise your hand if you'd like to provide public comment on those items again. These are,

Nikki Montoya: I'm not sure.

Robert Lucero: For all their wall and.

Nikki Montoya: I'm not sure how to raise my hand.

Robert Lucero: Oh, yeah, I can hear you, are you? There?

Nikki Montoya: Yes, I thought I did raise my hand, but I'm not sure if I did. I've never been on a meeting like this before. So

Robert Lucero: Oh, that's okay. Would you please state your full name and mailing address for the record?

Nikki Montoya: My name is Nikki Montoya. My address is 3417 Abbey Court. I'm next door to the these guys here that are trying to put up this variance wall. And I just want to say there's been.

Robert Lucero: Please raise your right hand and do you swear or affirm, under penalty of perjury, that your testimony today will be true?

Nikki Montoya: I do.

Robert Lucero: Thank you. Go ahead 2 min, please.

Nikki Montoya: Okay, so we since we've been here, there's been a lot of issues with this daycare that's been going on. It's been a true nuisance, and none of the neighbors ever got any type of written notice that they were applying for a commercial property. It's been a major problem. This fence is a problem, the driving with the parents coming and picking up, constantly, parking in front of people's driveways, parking in the middle of the road, and if they're trying to put this fence. I mean, they already put a 6 foot fence here, and they can't even see out of the front yard. So I mean. It's just been a nuisance since the very get go. And there's nobody in this cul-de-sac. That is okay with the fact that they I didn't even know that they applied for this to be a

commercial property. and we were trying to all rebuke against it, being turned into a commercial property, because these people don't even live here anymore. They haven't been here for weeks, and those of us that are residents in this cul de sac. We're the ones that are sitting here left have to bear all of the issues that come along with this. They're not here. All night long they widen their fence, their driveway to make sure that they can have parking area for all their parents, but none of their parents park there. They complain about people parking in front of the house on a public roadway call cops on people on a constant basis. When people are parked in a way that they don't like, they have parked. it's parked straight in the cul-de-sac like. If it's a parking lot rather than a street, they do that on a regular basis. It's just been a constant nuisance. There's nothing that comes along with this daycare that is conducive to anybody in this neighborhood. The kids screaming at all hours of the day when they are here.

And then again, you know, they're not even living here anymore. I mean, I just don't understand how being that this is a residential neighborhood, how they're allowed to turn this into a commercial property without the of all of the neighbors.

Robert Lucero: Thank you for your testimony. I appreciate it. Thanks for thanks for appearing.

Nikki Montoya: Okay. Thank you.

Victoria Garcia: Yeah, I would like, oh.

Robert Lucero: The applicants will have a chance to respond at the end of the public testimony. Let's see, I see Victoria Garcia with a hand raised, are you there?

Robert Lucero: Would you please state your full name and mailing address for the record.

Victoria Garcia: Victoria, Garcia. 3, 5, 0, Abajo road, Albuquerque, New Mexico, 8, 7, 1, 0, 2.

Robert Lucero: Thank you. Please raise your right hand, and do you swear, affirm, under penalty of perjury, that your testimony today will be true?

Victoria Garcia: Yes.

Robert Lucero: Thank you. Go ahead.

Victoria Garcia: Hi! I'm 1 of the parents that drop off my kids here at the daycare. My son's been going there for about 3 years. The neighbor. it's it's constantly a fight. I've been there picking up my son. And she's yelling at the the parents cussing at them. We're we're never more parked for more than 5 min. Not in her driveway, not in front of her house. We park along the side of the sidewalk or in the driveway. If there is room in the driveway. There is a couple of other houses with the tall fence which they never had problems with. I even had an altercation with the neighbor on the side a few times with her, saying that we can't park where we park, and it's never in front of her house. But as a parent I agree that the safety fence for the kids safety is left up.

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because, as well as a while back there was a coyote roaming the streets. and just as a parent, I agree that for the safety of all the kids and the privacy of all the kids that the fence is. oh, is in place where it is enough for the safety of the children.

Robert Lucero: Thank you. Thank you for your testimony

Robert Lucero: again for everyone here in attendance. These are agenda items one and 2 being heard together. It's a request for a taller wall at 3,421 Abbey Court, northwest. If you've not yet spoken, and would like to add your public comment. Please raise your hand. Scrolling through the participants. I don't see anyone else indicating they'd like to speak. Last call for public comment on agenda items one and 2.

Robert Lucero: Okay, let's go back to the applicants, mister. Mr. Hernandez, are you there?

Lorenzo Hernandez: Yes, sir.

Robert Lucero: Would you like to address the public comment?

Lorenzo Hernandez: So so, Nikki, she has 2 cars that don't work. They they've been. They've been sitting on the sidewalk for 2, almost 2 years. She has a car across the street that doesn't work either, so I don't know why she's complaining about. We're still in the parking, because she has 3 cars, and we call the cops on her because they don't have plates or nothing. They have no plates, and I don't know why she has them there, or I mean they they need to be removed because it just it's just a bother, like, you know, just taking up space.

Robert Lucero: Okay.

Robert Lucero: all right. Well, thank you. Everybody for your testimony. And thanks to the applicants for the submittals, I'm going to take everything under consideration, and I'll issue the written decision in 15 days. Thank you very much.

Robert Lucero: That concludes agenda items one and 2 also concludes the items for which an interpreter was requested. Naomi, thank you very much for your help today.

Naomi Todd-Reyes- Interpreter: Have a great day. Thank you.



NOTICE OF APPEAL

July 17, 2025

TO WHOM IT MAY CONCERN:

The Planning Department received an appeal on June 17, 2025. You will receive a Notice of Hearing as to when the appeal will be heard by the **Land Use Hearing Officer**. If you have any questions regarding the appeal, please contact Nichole Maher, Planning Sr. Administrative Assistant, (505) 924-3845 or nmaher@cabq.gov.

Please refer to the enclosed excerpt from the Land Use Hearing Officer Rules of Procedure and Qualifications for any questions you may have about this procedure.

Any questions you might have regarding Land Use Hearing Officer policy or procedures that are not answered in the enclosed rules can be answered by Michelle Montoya, Clerk to the City Council, (505) 768-3100 or mmmontoya@cabq.gov.

CITY COUNCIL APPEAL NUMBER: AC-25-02

PLANNING DEPARTMENT CASE FILE NUMBER: PR-2025-020042, MZP-2025-00003 (ZHE Major Wall or Fence Permit), VA-2025-00015 (ZHE Variance), [MZP-2025-00016 \(Appeal\)](#)

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