

TABLE OF CONTENTS

AC-26-04

[VA-2025-00016](#) (ZHE – Variance), [VA-2026-00081](#) (Appeal)

PAGE(S)

1) MEMO	1 - 4
2) NOTICE OF DECISION, MAY 6, 2026.....	5 - 8
3) APPEAL APPLICATION/REASON FOR APPEAL	9 – 13
JUSTIFICATION LETTER	
BASIS OF STANDING	
4) MATERIAL SUBMITTED TO ZHE.....	14 - 94
STAFF REPORT	
5) ZHE MINUTES, APRIL 21, 2026	95 - 108
6) ADDITIONAL INFORMATION.....	109 - 111
NOTICE OF APPEAL, MAY 20, 2026	



City of Albuquerque

Planning Department

Timothy M. Keller, Mayor

Interoffice Memorandum

June 9, 2026

To: Klarissa J. Peña, President, City Council

From: Alan Varela, Director, Planning Department

Initial
AV

Subject: AC-26-04 [VA-2026-00081]: James Scott and Heidi Fleischmann (“Appellant”) appeals the Zoning Hearing Examiner’s decision to APPROVE a Variance of 1 foot to the 5-foot maximum wall height within 10 feet of the front property line for the property located at 2212 Vista Larga Dr. NE, zoned R-1 [VA-2026-00016]

OVERVIEW

On April 21, 2026, property owner Eric Stebbins (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a Permit – Wall/Fence – Major and two Variances related to an opaque 6-foot wood fence built without a permit in the front yard for the property located at 2212 Vista Larga Dr. NE [Project # PR-2026-000088]:

- A Permit – Wall/Fence – Major for a 6-foot wall within 10 feet of the front property line, requiring view fencing with no more than 50 percent opacity above 3 feet, pursuant to IDO § 14-16-5-7(D)(3)(a)2; Table 5-7-2; § 14-16-6-6(H) [Case # MZP-2026-00007].
- Variance of 1 foot to the 5-foot maximum allowed with a Permit – Wall/Fence – Major, pursuant to § 14-16-5-7(D)(3)(a)2; Table 5-7-2; § 14-16-6-6(O) [Case # VA-2026-00016].
- Variance of 3 feet to the required view fencing above 3 feet with a Permit – Wall/Fence – Major, pursuant to § 14-16-5-7(D)(3)(a)2; Table 5-7-2; § 14-16-6-6(O) [Case # VA-2026-00041].

Staff recommended approval for the Permit – Wall/Fence – Major but recommended denial of the two Variances. The ZHE approved all three of the Applicant’s requests in a written decision dated May 6, 2026.

The Appellant timely filed an appeal of the ZHE’s decisions on the two Variances prior to the appeal deadline of May 21, 2026. As property owners within 100 feet of the subject property, the Appellant appears to have standing based on proximity to appeal the decision [IDO § 14-16-6-4(U)(a)5 and Table 6-4-2]. This appeal concerns the approved Variance of 1 foot to the 5-foot maximum wall height within 10 feet of the front property line [Case # VA-2026-00016].

BASIS FOR APPEAL

IDO § 14-16-6-4(U)(4) establishes the decision criteria for the appeal.

6-4(U)(4)(a) 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.

1. The decision-making body or the prior appeal body acted fraudulently, arbitrarily, or capriciously.
2. The decision being appealed is not supported by substantial evidence.
3. 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).

6-4(U)(4)(b) An additional criterion for review of an appeal shall be if the applicant failed to comply with mailed notice requirements for property owners pursuant to Subsection 14-16-6-4(J)(3)(c). Failure to comply with email notice requirements for a Neighborhood Association pursuant to Subsection 14-16-6-4(J)(2) is not sufficient grounds to uphold an appeal or remand a decision for further consideration.

STAFF RESPONSE

The Appellant argues that the ZHE Findings 17, 18, 20, and 21 are in error. The reasons for the appeal, excerpted from the Appellant's letter, are listed below in quotation marks, accompanied by italicized responses from the Planner for the ZHE.

“The [lot] features were cited as justifications for the wall and variances, but the lot is not unique in this regard. The map provided shows an almost identical lot (mirror image), just 2 houses to the north (2225 Vista Larga), as well as other houses on smaller, though not identical lots, with similarly small back yards.

Though other similar houses on the street do not seem to have such privacy concerns, such concerns, though valid, do not require a 6' fence enclosing the entire front yard almost to the property line as the remedy. Adequate security and an enclosed space that would allow for enjoyment and reasonable use of open space on the lot can be achieved with compliant fencing. Compliance with the regulations of Table 5-7-2 would not create an extraordinary hardship for reasonable use or economic return on their property.

Another ‘unique’ feature of the lot cited is topography. A 4' grade change was given as a reason for allowing a taller fence than the IDO permits. The topo map of the lot indicates the lot is almost flat in the front yard from the street to the front door in the area where the wall is located.”

Finding #17: 'The location of the subject property and pre-existing improvements, as well as the topography of the lot, create special circumstances that create practical difficulties that would result from strict compliance with the minimum standards....evidence submitted on behalf of Applicant establishes that setting the wall back further from the property would result in a much taller wall than where currently located, because of the rising topography of nearly 4 feet in elevation.'

The Application indicated a 4-foot rise in elevation across the subject site [Staff Report,

Attachment B – Application Information, page 7]. At the hearing, the Agent stated the elevation changed 2 feet across the subject site.

“Dispute the finding of the ZHE (citing IDO Section 14-16-6-(H)(3)) that the proposed wall would strengthen or reinforce the architectural character of the surrounding area. The Vista Larga Neighborhood is a designated National Historic District since 2016. Such a neighborhood extols walkability, open front yards, eyes-on-the-street, and community with neighbors.

The hearing officer relied on erroneous photographs and statements provided in the Strata report. For example, the only other similar wooden fences depicted at 1505 Cornell and 1601 Harvard, are both side yard fences. The 2212 Vista Larga residence is the only house in the neighborhood with a tall fence at the front yard property line. It is the only house depicted with wooden front yard fence. No home within 330 feet has a completely enclosed front yard wall less than 10 feet from the property line.”

Finding #18: “[T]he Variance will not be contrary to the public safety, health and welfare of the community as required by Section 14-16-6-6(O)(3)(a)(2). The fence design is attractive and in line with the architectural character of the neighborhood. Photographic evidence establishes that there are multiple tall walls in front and side yards in the neighborhood or [sic] various designs.”

Photographic evidence included in the Staff Report [Appendix A-Photographs pg. C] predominantly shows rear yard walls of corner properties, which are allowed to be 8 feet high. The photographs only show one front wall above 3 feet, a courtyard wall set back 10 feet from the front property line, which is allowed to be 6 feet high [Table 5-7-2].

“The decision was based largely on Strata Design’s report which has numerous errors and inaccuracies. The professionally written staff reports are not adequately considered.”

Finding #20: “[T]he Variance will not materially undermine the intent and purpose of the IDO or applicable zone district as required by Section 14-16-6-6(O)(3)(a)(4).”

Finding #21: “[T]he Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties as required by Section 14-16-6-6(O)(3)(a)(5). Any smaller fence would be insufficient to provide for security and mitigation of negative circumstances.”

In Residential zone districts, the IDO establishes a maximum wall height of 5-feet within 10 feet of the front property line with view fencing of no more than 50 percent opacity above 3 feet [§ 14-16-5-7(D)(3)(a)2; Table 5-7-2].

The existing fence is 6 feet and opaque, requiring 2 Variances to the existing regulations. The property is located within a National Historic District, where contributing features are open front yards and large setbacks.

CONCLUSION

The Applicant requested the Permit – Wall/Fence – Major and two Variances to approve a 6-foot opaque fence built without a permit in the front yard. The Applicant stated the wall was needed for security purposes. The Appellant did not appeal the Permit – Wall/Fence – Major; only the Variances that would allow a wall taller than allowed and more opaque than allowed. The Zoning Hearing Examiner approved the Variance based on 22 findings in the Notice of Decision.

/ Daniel Sorano /

Daniel Sorano, Planner
City of Albuquerque Planning Department

/ Leslie Naji /

Leslie Naji, Principal Planner
City of Albuquerque Planning Department



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

Eric Stebbins (Owner) and Michelle Negrette (Applicant) request a Variance of 1-foot to the maximum allowed 5-foot wall height for a wall built within 10-feet of the property line for a Permit - Wall or Fence – Major pursuant to IDO Table 5-7-2, for Lot G1, Block 12, Vista Larga, located at 2212 Vista Larga Dr NE, zoned R-1D (J-16) IDO Section 14-16-5-5-7(D)(2)

Special Exception No: **VA-2026-00016**
Project No:
Hearing Date:..... 04-21-26
Closing of Public Record: 04-21-26
Date of Decision: 05-06-26

On April 21, 2026, Michelle Negrette (“**Applicant**”) as agent for Eric Stebbins. (“**Owner**”) was scheduled to appear before the Zoning Hearing Examiner (“**ZHE**”) requesting a Variance of 1 foot to the maximum allowed 5-foot wall height for a wall built within 10 feet of the property line pursuant to IDO Table 5-7-2 (“**Application**”) upon the real property located at 2212 Vista Larga Dr NE. (“**Subject Property**”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. This is a Variance request for a wall built taller than allowed in Table: 5-7-1: Maximum Wall Height for Lot G1 Block 12 Vista Larga Subdivision 2nd Replat, located at 2212 Vista Larga Dr NE, between Haines Avenue NE and Cornell Drive NE, containing approximately 0.3 acres.
2. Applicant has authority to pursue this Application, pursuant to 14-16-6-4(D).
3. Applicant has duly authorized an Agent to act on Applicant’s behalf regarding the Application.
4. Applicant is not required to offer a meeting to Indian Nations, Tribes, and Pueblos, pursuant to IDO Section 14-16-6-4(B).
5. The Planning Director’s delegee has determined that the Application is complete, pursuant to IDO Section 14-16-6-4(G).
6. The analyses and studies listed in IDO Section 14-16-6-4(H) were delivered.
7. The Application was forwarded to commenting agencies pursuant to IDO Section 14-16-6-4(I).
8. The content of the notice of the Application satisfies IDO Section 14-16-6-4(J)(1).

9. Applicant has 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).
10. Applicant has sent a mailed notice to all property owners within 100 feet of the subject property as required by IDO Section 14-16-6-4(J)(3).
11. Applicant has posted sign notice(s) as required by IDO Section 14-16-6-4(J)(4).
12. The Subject Property is located at 2212 Vista Larga Dr NE in a R-1D zone district.
13. 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).
14. IDO Section 14-16-6-6(O)(3)(a) (Review and Decision Criteria– Variance) reads: “An application for a Variance - ZHE shall be approved if it meets all of the following criteria:
 1. *There are special circumstances applicable to a single lot that are not self-imposed and that do not apply generally to other property in the same zone district and vicinity, including but not limited to size, shape, topography, location, surroundings, physical characteristics, natural forces, or by government actions for which no compensation was paid. Such special circumstances of the lot either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or economic return on the property, or practical difficulties result from strict compliance with the minimum standards.*
 2. *The Variance will not be materially contrary to the public safety, health, or welfare.*
 3. *The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.*
 4. *The Variance will not materially undermine the intent and purpose of this IDO, the applicable zone district, or any applicable Overlay Zone.*
 5. *The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.*
15. 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).
16. 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).
17. Based on evidence submitted by or on behalf of Applicant, it appears that 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 and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid, and 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, as required by Section 14-16-6-6(O)(3)(a)(1). The location of the subject property and pre-existing improvements, as well as the topography of the lot, create special circumstances that create practical difficulties that would result from strict compliance with the minimum standards. While opponents point out that the wall at the property line is out of compliance without a variance, evidence submitted on behalf of Applicant establishes that setting the wall back

further from the property would result in a much taller wall than where currently located, because of the rising topography of nearly 4 feet in elevation.

18. Based on evidence submitted by or on behalf of Applicant, the Variance will not be contrary to the public safety, health and welfare of the community as required by Section 14-16-6-6(O)(3)(a)(2). The fence design is attractive and in line with the architectural character of the neighborhood. Photographic evidence establishes that there are multiple tall walls in front and side yards in the neighborhood or various designs.
19. Based on evidence submitted by or on behalf of Applicant, the Variance will not cause significant adverse material impacts on surrounding properties or infrastructure improvements in the vicinity as required by Section 14-16-6-6(O)(3)(a)(3). The fence provides for security and views. The City Traffic engineer did not object to the Application.
20. Based on evidence submitted by or on behalf of Applicant, the Variance will not materially undermine the intent and purpose of the IDO or applicable zone district as required by Section 14-16-6-6(O)(3)(a)(4). Applicant testified the proposed wall will be built in compliance with all IDO requirements.
21. Based on evidence submitted by or on behalf of Applicant, the Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties as required by Section 14-16-6-6(O)(3)(a)(5). Any smaller fence would be insufficient to provide for security and mitigation of negative circumstances.
22. The City Traffic Engineer submitted a report stating no objection to the Application.

DECISION:

APPROVAL of a variance of 1 foot to the maximum allowed 5-foot wall height for a wall built within 10-feet of the property line for a Permit - Wall or Fence – Major pursuant to IDO Table 5-7-2.

APPEAL:

If you wish to appeal this decision, you must do so by May 21, 2026 pursuant to Section 14-16-6-4(U), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

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

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. If your Application is approved, 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:

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Eric Stebbins, Owner/Applicant, eestebbins@gmail.com
Michael Kious, District 7 Coalition of Neighborhood Associations, mikekious@aol.com
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Mary E. Wommack, 2301 Vista Larga Ave. NE, Albuquerque, NM 87106
David & Noel Westlake, 2207 Vista Larga Ave. NE, Albuquerque, NM 87106
Shanti Randall, 2219 Vista Larga Dr. NE, Albuquerque, NM 87106
Steve & Gillian Mazer, 1507 Connell Dr. NE, Albuquerque, NM 87106
Samuel Hodder, 1419 Connell Dr. NE, Albuquerque, NM 87106
Sara Hiat, 2213 Vista Larga Ave. NE, Albuquerque, NM 87106
Christiane Cuse, 1505 Cornell Dr. NE, Albuquerque, NM 87106
John Craig, 2200 Vista Larga Ave. NE, Albuquerque, NM 87106
Andrew Coon, City Legal, acon@cabq.gov
ZHE File
Zoning

APPEAL APPLICATION

AC-26-04

[PR-2026-000088](#) (Project)

[VA-2026-00081](#) (Appeal)

[VA-2025-00016](#) (ZHE – Variance)

Appeal of Decision on VA-2026-00016, VA-2026-00041
2212 Vista Larga Drive NE, Albuquerque NM 87106

We are James Scott and Heidi Fleischmann. We reside at 1513 Cornell Drive NE, Albuquerque NM 87106. We are appealing the decision of the ZHE for the 2 wall variances at 2212 Vista Larga NE. This wall was professionally built without a permit or variance last year. The homeowners claimed they did not know a permit or variance was required, despite their listed profession as a 'public official'.

We have standing to appeal because we live within 100 feet of the subject property and we have submitted written and oral comments to the April 21st ZHE hearing.

We are appealing the decision of the ZHE because we believe it was made without regard to factual information. We believe the decision was not supported by substantial evidence but relied largely on incomplete, inaccurate and even misleading information provided in the March 9, 2026 report by Ms. Negrette of Strata Design. We also believe the decision was not based on the requirements of the IDO.

Only late in the day prior to the hearing were we able to view the excellent city planning staff report as well as documents supporting the wall permit and variances provided by the agent (Michelle Negrette) and Eric Stebbins (owner). We had little time to absorb all the information but we noticed immediately that the Strata report was filled with misleading, inaccurate and erroneous information and photos.

Special or 'unique' features of the lot such as small backyard and location along a curve in the road were well known to the homeowners when they bought the house 1-2 years ago. The features were cited as justifications for the wall and variances, but the lot is not unique in this regard. The map provided shows an almost identical lot (mirror image), just 2 houses to the north (2225 Vista Larga), as well as other houses on smaller, though not identical lots, with similarly small back yards. This 'unique lot shape, along a curve with no clear front or back yard along a public street was cited as a reason for a wall to permit more privacy for the family. Though other similar houses on the street do not seem to have such privacy concerns, such concerns, though valid, do not require a 6' fence enclosing the entire front yard almost to the property line as the remedy. Adequate security and an enclosed space that would allow for enjoyment and reasonable use of open space on the lot can be achieved with compliant fencing. Compliance with the regulations of Table 5-7-2 would not create an extraordinary hardship for reasonable use or economic return on their property.

Another 'unique' feature of the lot cited is topography. A 4' grade change was given as a reason for allowing a taller fence than the IDO permits. The topo map of the lot indicates the lot is almost flat in the front yard from the street to the front door in the area where the wall is located. There is a gradient change at the rear of the property, but the front yard area that the wall encloses is almost flat. The Strata report quotes the 4' gradient (but mentioned as 2' at the

zoom ZHE meeting) as necessitating a taller opaque wall very close to the property line. A 6' fence at property line is not the only solution for a gradient. The desire for security for pets and children and privacy for family gatherings can be met with a lower wall, set back at 10' with view fencing. Such a wall would not be a hardship for reasonable use or economic return on the property. Making these adjustments would not be unreasonable, and would be the 'minimum necessary to avoid hardships on the site.'

We dispute the finding of the ZHE (citing IDO Section 14-16-6-(H)(3)) that the proposed wall would strengthen or reinforce the architectural character of the surrounding area. The Vista Larga Neighborhood is a designated National Historic District since 2016. Such a neighborhood extols walkability, open front yards, eyes-on-the-street, and community with neighbors. The photos provided by the city show typical street views and demonstrate the 'open character' of the neighborhood.

Here we find fault with the ZHE decision. It appears the hearing officer relied on erroneous photographs and statements provided in the Strata report. For example, the only other similar wooden fences depicted at 1505 Cornell and 1601 Harvard, are both **side yard** fences. The fence at 2212 Vista Large is basically a continuation of the side yard wall at 1505 Cornell, also built close to the property line and rebuilt within the last couple years. This long expanse of similar fencing gives the appearance of a 'compound', not in keeping the neighborhood's character. The 2212 Vista Larga residence is the only house in the neighborhood with a tall fence at the FRONT yard property line. It is the only house depicted with wooden front yard fence. NO HOME WITHIN 330 FEET HAS A COMPLETELY ENCLOSED FRONT YARD WALL LESS THAN 10 FEET FROM THE PROPERTY LINE.

The Strata report stated that other front yard walls in the area are of similar height and material. This not true. As one can see, all of the front yard walls shown by the city staff and by Strata Design, were constructed of brick, stucco or concrete. Wood fencing is the exception in this neighborhood and is used minimally, if at all, on the front side of houses.

It appears to us that the decision was based largely on Strata Design's report which has numerous errors and inaccuracies. The professionally written staff reports are not adequately considered. The ZHE never quoted or seemed to consider the city planning staff report with its well thought out explanations for denying the variances, or options for making the wall code-compliant.

Our final comment is that this decision creates a bad precedent for future unpermitted/non-code compliant walls at odds with this neighborhood's character. We wonder why even have an IDO if its guidelines can be ignored or easily overruled by decisions based on poorly written reports, while professionally written staff reports are not adequately considered.

Respectfully,
James Scott
Jscott672@comcast.net 505.573.5469

Heidi Fleischmann
h.fleischmann@comcast.net 505.401.6605

Of note: James Scott and Heidi Fleischmann will be travelling somewhat extensively this summer. They will be gone May 14-June 24 and July 5-July 16, 2026. They will also be gone August 24-Aug 30. If you need to contact us from May 14 to June 24, email is best. We will be 8 hours ahead of MDT. If you have iPhones you can contact us with I message or FaceTime phone. For the July 5-16 trip, we will be river rafting and out of range. We hope this may help.

Statement of Standing to appeal a ZHE decision

We are James Scott and Heidi Fleischmann. We reside at 1513 Cornell Drive NE, Albuquerque, NM 87106.

We have standing to appeal because we live within 100 feet of the subject property and we have submitted written and oral comments to the April 21st ZHE hearing.

MATERIAL SUBMITTED TO ZHE

AC-26-04

[PR-2026-000088](#) (Project)

[VA-2026-00081](#) (Appeal)

[VA-2025-00016](#) (ZHE – Variance)



**Zoning
Hearing
Examiner**

**Agenda Numbers: 10, 11, & 12
Case #: MZP-2026-00007;
VA-2026-00016; VA-2026-00041
Hearing Date: April 21, 2026**

Staff Report

Agent	Strata Design, LLC
Applicant	Eric Stebbins and Maggie Hart Stebbins
Request	1. Permit – Wall/Fence – Major 2. Variance – ZHE – of view fencing requirement on Table 5-7-2. 3. Variance – ZHE - of 1 foot, to the maximum allowed 5 ft. wall height to allow for a 6-foot fence pursuant to Table 5-7-2.
Legal Description	Lot G1 Block 12 Vista Larga Subdivision 2nd Replat
Address	2212 Vista Larga Dr. NE
Size	Approximately 0.3 acres
Zoning	R-1D

Staff Recommendation

Approval of Plan # MZP-2026-00007
Denial of Plan # VA-2026-00016
Denial of Plan # VA-2026-00041 based on the Findings beginning on page 17.

Staff Planners
Daniel Soriano & Korrina Christensen

Summary of Analysis (Project Overview)

This request was originally scheduled to be heard on the March 17, 2026 ZHE hearing, however, during staffs review and analysis, it was discovered the current application is incomplete and an additional variance, and Permit – Wall or Fence – Major was required. This 3-part request is for a Permit – Wall or Fence – Major, to allow for a taller fence, pursuant to IDO Table 5-7-2. The 2nd part of this request is a variance to the Permit – Wall/Fence – Major requirements of Table 5-7-2, specifically, for a taller front or side yard wall within 10 feet of the lot line abutting the street, which is limited to a maximum height of 5-feet, the applicant is requesting a 1-foot variance to this regulation to allow for a wall 6ft tall within 10-feet of the lot line. The 3rd part of this request is to the Permit-Wall/Fence – Major requirements of Table 5-7-2, to waive the view fencing requirement and have a fence that is 100 percent opaque above 3-feet in height.

This request is for an existing 6-foot tall, fully opaque wooden fence that runs along the entire front and side perimeter of the subject site, along Vista Larga Dr. NE. The fence was developed by an increasing need for privacy and to provide children and pets a safe and secure place to play due to a unique lot configuration that has severely reduced the available rear and side yard open space areas.

The North Campus Neighborhood Association and District 7 Coalition of Neighborhood Associations, and all property owners within 100-feet of the subject site were notified as required. Staff has received one letter in opposition and eight in support of this request.

The existing wall is not injurious to the adjacent properties nor residents in the area. The proposed fence will comply with applicable IDO standards related to Walls and Fences (5-7), Articulation and Alignment [5-7(E)(2)] and Wall Design [5-7(E)(3)]. While the height and location of the wall is not found in the community, the design and material will not conflict with the character of the surrounding area, rather it will reinforce and strengthen the architectural character of the community. While the request does not meet all Review and Decision Criterion in 6-6(H)(3), staff analysis and intent of the request has compelled staff to make a recommendation of approval for this request.

Table of Contents

I. MAPS 3

AERIAL MAP 3

IDO ZONING MAP 4

LAND USE MAP 5

II. INTRODUCTION 6

REQUEST 6

SUBJECT SITE CONTEXT 6

ADJACENT STREET DESIGNATION 7

SITE HISTORY / RELATED REQUESTS 7

ZONING HEARING EXAMINER’S ROLE 7

III. ANALYSIS OF CITY PLANS AND ORDINANCES 7

ALBUQUERQUE / BERNALILLO COUNTY COMPREHENSIVE PLAN 7

City Development Areas 7

Center & Corridor Designations 8

INTEGRATED DEVELOPMENT ORDINANCE (IDO) 8

IDO Zoning 8

Overlay Zones 8

Walls and Fences 8

Vista Larga Residential Historic District 9

Definitions 9

IV. VARIANCE – ZHE 10

IDO REVIEW AND DECISION CRITERIA 10

V. PERMIT – WALL OR FENCE – MAJOR 13

IDO REVIEW AND DECISION CRITERIA 13

VI. AGENCY & NEIGHBORHOOD CONCERNS 14

REVIEWING AGENCIES 14

NEIGHBORHOOD/PUBLIC 14

VII. CONCLUSION 15

FINDINGS – PERMIT – WALL OR FENCE – MAJOR 17

FINDINGS – VARIANCE - ZHE 21

RECOMMENDATION 25

CONDITIONS OF APPROVAL 25

ATTACHMENTS

A) PHOTOGRAPHS A

B) APPLICATION INFORMATION H

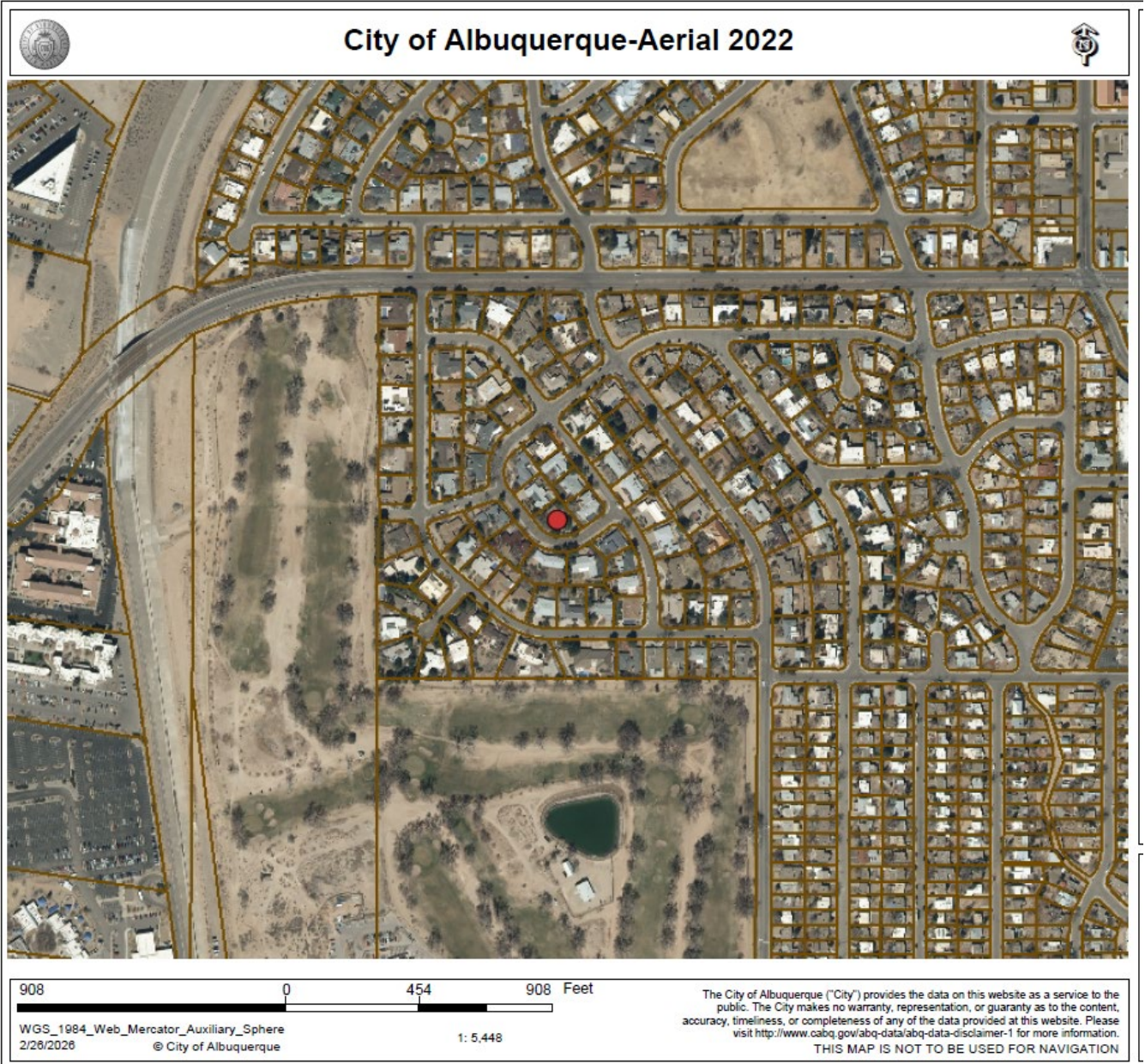
C) PUBLIC NOTICE I

D) PUBLIC COMMENTS J

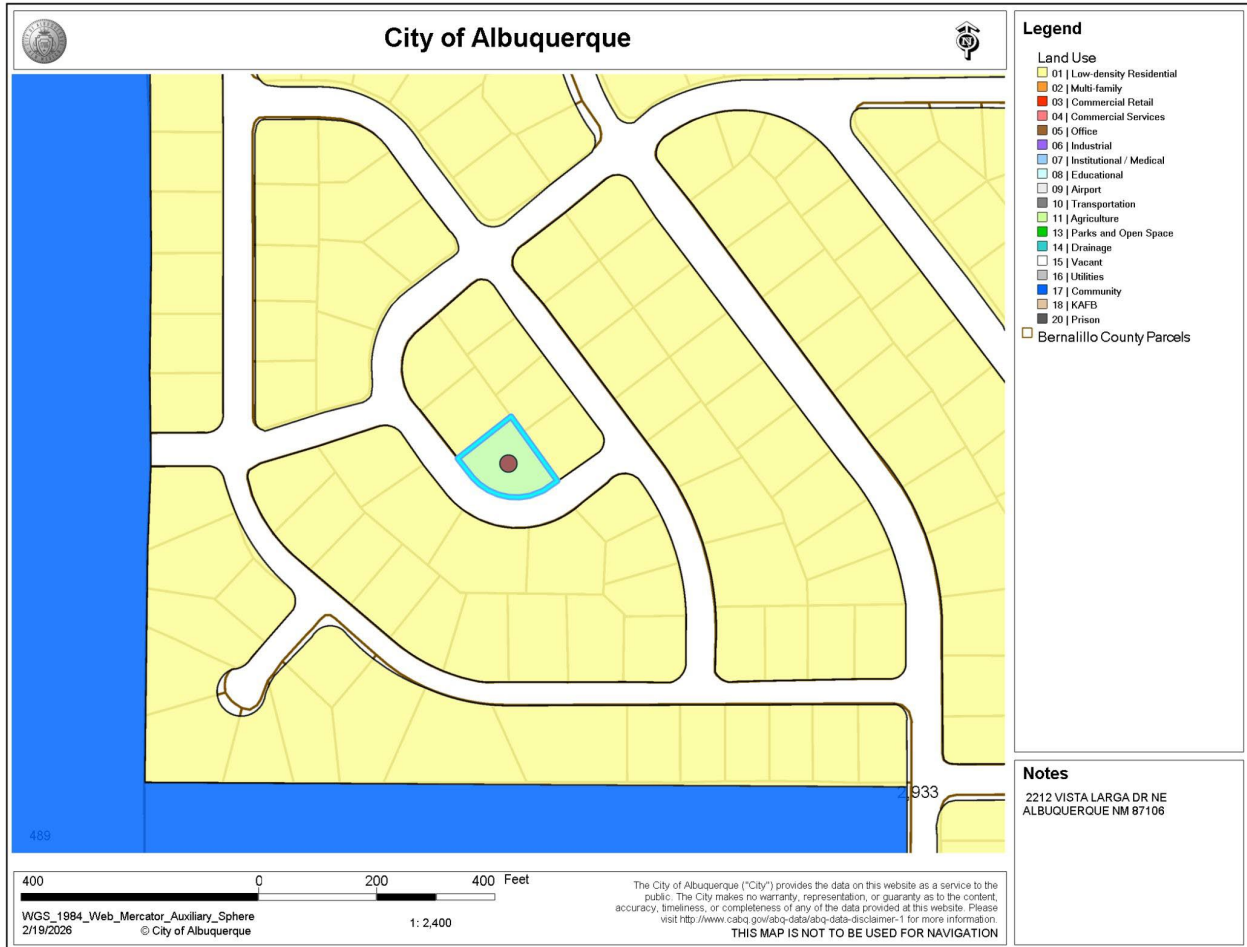
E) PROPOSED SITE PLAN K

I. Maps

Aerial Map



Land Use Map



II. Introduction

Request

The applicant has submitted a request for a Permit – Wall or Fence – Major (MZP-2026-00007) for an existing 6-foot-high fence built taller than permissively allowed in Table 5-7-1: Maximum Wall Height, found within IDO §14-16-5-7(D) Maximum Wall Height, necessitating the major zoning permit for a fence. Additionally, the existing fence does not meet fence regulations that are required for applicants seeking a Permit – Wall or Fence – Major. Pursuant to Table 5-7-2: Options for a Taller Front or Side Yard Wall, view fencing that is, at most, 50 percent opaque, must be added to all portions of the fence above 3-feet in height. As well, a fence that is 10-feet or less from the lot line abutting the street has a maximum wall height of 5-feet. The existing fence is built on the property line, at 6-feet tall and does not meet opacity requirements for portions of the fence above 3-feet, necessitating the two variance requests that accompany the Permit – Wall or Fence – Major permit.

One variance request would completely waive the opacity requirements of Table 5-7-2 (VA-2026-00041). The second variance request is for 1-foot to the maximum allowed 5-foot wall height found on Table 5-7-2. Both regulations are requirements for the Permit – Wall or Fence – Major and the applicant is seeking relief from these requirements in order to proceed with the major zoning permit request.

The wall was constructed with the intent to increase security, privacy, and enclose usable open space on the subject site.

Subject Site Context

	<i>IDO Zoning</i>	<i>Comprehensive Plan Development Area</i>	<i>Existing Land Use</i>
Subject Site	R-1D	Area of Consistency	Dwelling, single-family detached
<i>North</i>	R-1D	Area of Consistency	Dwelling, single-family detached
<i>South</i>	R-1D	Area of Consistency	Dwelling, single-family detached
<i>East</i>	R-1D	Area of Consistency	Dwelling, single-family detached
<i>West</i>	R-1D	Area of Consistency	Dwelling, single-family detached

The uniquely shaped subject site is a curved corner lot along Vista Larga Dr. NE, which features a wide, rounded front and side yard lot line that narrows as you move to the rear of the site. Given the location of the existing structure, there is little to no usable rear yard area that would typically be secured for animals and children to play freely. Most of the usable open space is in the front and street side yard that was previously open and unsecure. Additionally, the applicant notes an approximate 4-foot change in grade throughout the front yard that would create additional obstacles in developing a wall to

meet the requirements of Table 5-7-2. If the wall was pushed back 10-feet, due to the change in grade and in order to adequately secure the yard, a 6-foot fence would appear to be approximately 8-10 feet high from the sidewalk. Along the street side of the developed wall is a small landscape area that serves as a buffer, which is intended to preserve visibility for oncoming traffic, soften the appearance of the wall and enhance the curb appeal of the area, hoping to create a polished and welcoming appearance to pedestrians.

The subject site is within the boundaries of the Vista Larga Residential Historic District and is located in an area with consistent zoning and land use. All of the surrounding land uses are low-density residential with similar lot sizes. It is important to note, no properties on the street have any sort of wall or fence on the front property line. In an effort to conform to the character of the area, the developed wall matches the height and design of the abutting neighbors rear wall to the east.

Adjacent Street Designation

The subject site is located on Vista Larga Drive NE, between Haines Avenue NE and Cornell Drive NE.

Vista Larga Drive NE, Haines Avenue NE, and Cornell Drive NE are all designated as Local Streets by the 2040 Long Range Roadway System map, produced by the Mid-Region Council of Governments.

Site History / Related Requests

The site has no recorded requests (variance or conditional use) submitted to the Zoning Hearing Examiner (ZHE) for consideration and approval.

Zoning Hearing Examiner's Role

The Zoning Hearing Examiner (ZHE) holds public hearings and makes quasi-judicial decisions about special exceptions to zoning regulations in the Integrated Development Ordinance (IDO). The ZHE ensures compliance with zoning laws, considers public input, and issues written findings based on evidence presented and staff recommendations.

This request is a quasi-judicial matter.

III. Analysis of City Plans and Ordinances

Albuquerque / Bernalillo County Comprehensive Plan

City Development Areas

The subject site is located in an Area of Consistency as designated by the Comprehensive Plan, which has policies to protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open

Space. Development in Areas of Consistency is expected to reinforce the scale, intensity, and built pattern of the immediately surrounding context.

Center & Corridor Designations

The subject site is not within center or corridor as designated in the Comp Plan.

Integrated Development Ordinance (IDO)

IDO Zoning

As of the effective date of the IDO in May 2018 the property’s zoning is R-1D. The purpose of the R-1D zone district is to provide for neighborhoods of single-family homes with a variety of lot sizes and dimensions. When applied in developed areas, an additional purpose is to require that redevelopment reinforce the established character of the existing neighborhood. Primary land uses include single-family detached homes on individual lots, with limited civic and institutional uses to serve the surrounding residential area. Allowable uses are shown in Table 4-2-1.

Overlay Zones

The subject site is not within the boundaries of any established IDO overlay zones.

Walls and Fences

The IDO development standards for Walls and Fences (IDO 14-16-5-7) regulate walls, fences, retaining walls, and vertical combinations of those items in order to enhance the visual appearance of development in the city; establish a consistent, attractive streetscape; ensure visual compatibility with public spaces such as City parks and trails, major arroyos, and Major Public Open Space; and promote street and neighborhood character.

Pursuant to IDO 14-16-5-7(D): Maximum Wall Height and Table 5-7-1, walls in the front yard or street side yard are limited to a maximum wall height of 3-feet. A number of provisions are provided in the IDO 14-16-5-7(D)(3)2: Exceptions to Maximum Wall Height, to allow for appropriate walls taller than 3-feet for low-density residential development in a residential zone district. A request for a taller wall, that meets the height and location standards of Table 5-7-2 shall require a Permit – Wall or Fence – Major.

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 primary building, whichever is more restrictive	6 ft.	5-7(D)(3)(a)2.b
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)
<small>[4] The maximum wall heights in this table require an approval pursuant to the standards in Subsections 14-16-5-7(D)(3)(a)2 and 14-16-6-6(H) (Permit – Wall or Fence – Major).</small>		

The existing wall at the subject site does not meet any of the requirements for the Permit - Wall or Fence – Major, necessitating the requested variance requests.

Vista Larga Residential Historic District

The subject site is within the boundaries of the Vista Larga Residential Historic District. Encompassing approximately 112 homes, most were developed around the late 1960s, the district is bound by Indian School Road to the north, Hannett Avenue to the south, Princeton Drive to the east and the University of New Mexico North Golf Course to the west. The Vista Larga Residential Historic District is listed in the National Register of Historic Places as an example of post-war suburban development that features modernist home styles and Mid-Century Modern architecture that has been minimally changed throughout the years. Front yards were a defining element in the district, and development has continued to reflect the original materials, workmanship, and design. It is important to note that early covenants for the area required a 25 ft. front setback.

Definitions

Clear Sight Triangle: An area of unobstructed vision at street intersections at least 3 feet and no more than 8 feet above the gutter line and within a triangular area at the street corner, driveway, or drive aisle, as regulated by the DPM.

Courtyard Wall: Walls that are not on the lot line that enclose an outdoor space to form an outdoor courtyard.

Front Yard: The part of a lot from the front lot line to any front façade of the primary building, extended to both side lot lines. If there is no primary building on the lot, the part of a lot within the minimum setback in the zone district on the side of the lot where the property will be addressed. See also *Lot Definitions*.

Setback: The shortest distance between a structure and a lot line. Front setbacks are measured from the front lot line. Rear setbacks are measured from the rear lot line. Side setbacks are measured from side lot lines. In the case of a setback from an irrigation facility, the measurement is taken from the toe of the slope to the structure or from the lot line to the structure, whichever is greater. See also *Lot Definitions* for Front Lot Line, Rear Lot Line, and Side Lot Line.

Street Side Yard: The part of a lot from a street side lot line the side façade of the primary building. See also *Lot Definitions*.

Variance: Exceptions to dimensional standards or variations from the strict, literal application of standards in this IDO or the DPM. Variances from IDO standards are reviewed and decided by the ZHE or EPC, while Variances from technical standards in the DPM or related to projects in public rights-of-way are decided by the DHO. The allowable use of premises may never be changed via a Variance. See also *Waiver and Use Definitions* for Allowable Use.

View Fencing: A wall that is at most 25 percent opaque to perpendicular view unless specified otherwise in this IDO, constructed of wood, painted or coated pipe, wrought iron, or smooth wire pasture fence material. View fencing is intended to provide a sense of openness and continuity, visual transparency, and passive surveillance while still providing perimeter security.

Wall: A vertical structure of masonry (which includes stone, clay, brick, and poured concrete), wood, plaster, or other material that defines or encloses an area. Where the IDO provides standards about the wall of a building, the term “façade” is used, except for signage on buildings, which uses the term “wall sign.” Unless specified otherwise in this IDO, this term includes walls, fences, perimeter walls, courtyard walls, and retaining walls. A post that supports a structure other than a wall, such as a sign or a carport, is not considered a wall.

Wall Height: For a perimeter wall along the front lot line, wall height shall be measured from the finished grade on the public side of the wall. For other perimeter walls along other lot lines or for walls between the front lot line and the front façade of the primary building, wall height shall be measured from the finished grade on the side of the wall that provides the taller wall height. Wall height does not include decorative or incidental features, such as pilasters or fence posts, that are allowed or required by this IDO. See *also Wall Definitions*.

IV. Variance – ZHE

IDO Review and Decision Criteria

Pursuant to IDO §14-16-6-6(O)(3) (Review and Decision Criteria), "An application for a Variance – ZHE shall be approved if it meets all of the following criteria."

(O)(3)(a)

1. There are special circumstances applicable to a single lot that are not self-imposed and that do not apply generally to other property in the same zone district and vicinity, including but not limited to size, shape, topography, location, surroundings, physical characteristics, natural forces, or by government actions for which no compensation was paid. Such special circumstances of the lot either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or economic return on the property, or practical difficulties result from strict compliance with the minimum standards.

Staff Response: The applicant has provided evidence demonstrating that there are special circumstances in regard to the physical characteristics of the subject site, specifically the size, shape, topography of the lot and siting that limit useable yard areas of the subject site. These special circumstances could create hardship in the

form of reduced privacy and security, limited use of rear yard area and increased front yard and street side yard areas which have more restrictive maximum wall height requirements. The applicant provided evidence in the justification letter that supports that these special circumstances do not generally apply to other properties in the vicinity and are not self-imposed.

Additionally, the applicants justification letter and the City's Advanced Map Viewer contour layer reflect topography of the site features a change in grade that, if the wall was to be developed 10-feet away from the property line, in order to achieve the same enclosing, security and privacy function for both pets and children, the wall would need to be taller due to the approximate 4-foot change in grade, which would undermine the intent and purpose of the regulations in Table 5-7-2 by reducing visibility from the home to the public right of way, obstructing the historic characteristics of the subject site and requiring a perceived taller wall to achieve the same results.

However, staff review has determined that a wall that meets the Permit – Wall or Fence – Major requirements of Table 5-7-2 would serve the applicants in a similar fashion while removing the need for additional variances. A 5-foot-tall fence and view fencing would still provide the property owners sufficient security and an enclosed space that would allow for the enjoyment and reasonable use of their property and available open space on the lot. Compliance with the regulations on Table 5-7-2 would not create extraordinary hardships or practical difficulties that limit the applicants reasonable use or economic return on their property.

The applicant's response does not meet Criteria 1.

2. The Variance will not be materially contrary to the public safety, health, or welfare.

Staff Response: The applicant has provided adequate evidence that generally meets the criteria, demonstrating that the Variance would not be materially contrary to the public safety, health or welfare. As of this writing, staff has not received agency comments regarding the existing wall. It is found that the wall and proposed variance has a small landscaped area on the street side of the wall that would provide enough distance as to not obstruct the Clear Sight Triangle or adversely affect pedestrian or vehicular safety along Vista Larga Dr.

The applicant's response generally meets Criteria 2.

3. The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.

Staff Response: The applicant has provided adequate evidence that generally meets the criteria, demonstrating that the variance does not cause significant

adverse material impacts on surrounding properties or planned infrastructure improvements in the vicinity. The wall matches the design and construction of the neighboring properties wall to the east, with the intent to develop a wall that is generally consistent with the character of surrounding properties. Additionally, at the time of this writing, staff is not aware of any current or future plans for infrastructure improvements that would be adversely impacted by this variance. Staff analysis finds the requested variance would not cause significant adverse impacts surrounding properties.

The applicant's response generally meets Criteria 3.

4. The Variance will not materially undermine the intent and purpose of this IDO, the applicable zone district, or any applicable Overlay Zone.

Staff Response: Staff analysis finds that the request does undermine the intent and purpose of the IDO. The existing wall was built without a permit and a height, location and design that is not in compliance with IDO and R-1 zoning regulations. Additionally, the existing wall does not meet the requirements that would allow for a wall taller than the maximum allowed, through the Permit – Wall or Fence – Major application. While staff agrees there is reasoning to allow a wall taller than permissively allowed, the applicants justification does not adequately support that the additional variances are necessary. A wall at property line that meets the requirements of Table 5-7-2 will serve the same security and privacy function the applicant is seeking. Additional options to increase security would be to utilize landscaping and vegetation to increase screening on the front yard if desired.

The applicant's response does not meet Criteria 4.

5. The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.

Staff Response: Staff review has determined that the same goals the applicant is seeking with the existing wall could be adequately met with a 5-foot tall wall and view fencing above 3-feet. Staff is in agreement with the Permit – Wall or Fence Major, in allowing a taller wall than permissively allowed on the property line. However, in determining what the minimum necessary to avoid extraordinary hardship or practical difficulties would be on the subject site, staff analysis determines that meeting the wall regulations of Table 5-7-2 are not unreasonable and would effectively be the minimum necessary to avoid hardships on the site.

The applicant's response does not meet Criteria 5.

V. Permit – Wall or Fence – Major

IDO Review and Decision Criteria

Pursuant to IDO §14-16-6-6(H) (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)(a)2 (Exceptions to Maximum Wall Height) and Table 5-7-2 shall be approved if all of 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.)

Staff Response: There are 8 properties facing Vista Larga within 330 feet of the subject site. Of those, two have walls taller than 3-feet in the front yard that contribute to the 20% requirement for a Major Wall Permit.

The application meets Criterion a.

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

Staff Response: The applicant has provided examples of multiple walls within the neighborhood that provide a look into the architecture and character of the nearby community. The subject wall directly matches the rear yard fence of the easterly abutting property. However, staff review finds that there are no front yard walls at the property line, regardless of height. This change can be undesirable in the Vista Larga Residential Historic District and is not in line with the character of the surrounding area.

The applicant's response does not meet Criterion b.

(c) The proposed wall would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community.

Staff Response: The wall has already been developed and appears to be well constructed. Staff feels the wall has not negatively impacted the surrounding

neighborhood and, should it be allowed to remain, it will not be injurious to adjacent properties.

The applicant's response meets Criterion c.

(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.

Staff Response: The fence meets IDO Section 5-7(E)(2) Articulation and Alignment Option 1 requirements; "Vertical pilasters with a minimum projection of 2 inches from the public side of the wall surface at intervals no more than 20 foot in length,"

The applicant has provided photographic evidence that shows the wall does block the lower portions of windows 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.

The wood construction of the fence is uncommon in the area, it's design does not generally reflect the architectural character of the surrounding area. The location and height of the wall is not found throughout the community and does raise staff concern about the proposed wall being a true reflection on the character of the Vista Larga Residential Historic District.

The applicant's response partially meets Criterion d.

VI. Agency & Neighborhood Concerns

Reviewing Agencies

The City of Albuquerque Transportation division reviewed the existing wall and all requests. Transportation staff noted no objects to the requests.

Neighborhood/Public

Public notice requirements are established in the IDO Table 6-1-1 and IDO §14-16-6-4(J) Public Notice. According to the Office of Neighborhood Coordination, the North Campus

NA and District 7 Coalition of Neighborhood Associations are within 660-feet of the subject site and were notified as required.

Property owners within 100 feet of the subject site were also notified as required.

As of this writing, staff has received eight public comments in support of the request and three in opposition.

VII. Conclusion

This is a request for a Permit – Wall or Fence – Major for an existing 6-foot-high fence built taller than permissively allowed in Table 5-7-1: Maximum Wall Height, found within IDO §14-16-5-7(D) Maximum Wall Height, necessitating the major zoning permit for a fence. Additionally, the existing fence does not meet fence regulations that are required for applicants seeking a Permit – Wall or Fence – Major. Pursuant to Table 5-7-2: Options for a Taller Front or Side Yard Wall, view fencing that is, at most, 50 percent opaque, must be added to all portions of the fence above 3-feet in height. As well, a fence that is 10-foot or less from the lot line abutting the street has a maximum wall height of 5-feet. The existing fence was built on the property line, is 6-feet tall and does not meet opacity requirements for portions of the fence above 3-feet, necessitating the two variance requests that accompany the Permit – Wall or Fence – Major permit. One variance would waive the opacity requirements of Table 5-7-2 and the second is a requested variance of 1-foot to the maximum allowed 5-foot wall height, for a wall within 10 feet of the lot line abutting the street (IDO Table 5-7-2).

The fence was developed to provide privacy and secure the unusually sized front and side yard areas of the subject site, which is the primary outdoor space for children and pets. The unique lot shape restricts the amount of useable space in the rear yard, creating a special circumstance that was not self-imposed and that does not generally apply to other properties in the same zone district and vicinity.

The existing fence is not materially harmful to the surrounding community and would not negatively impact the surrounding properties or future infrastructure improvements in the area. Staff analysis determined that strict compliance with Table 5-7-2 would be the minimum necessary to avoid extraordinary hardship and would not be injurious to the property owner nor their right to the enjoyment and reasonable use of their property. If the wall is modified to meet the requirements of Table 5-7-2, a one-foot reduction in height and the addition of view fencing along 50% of portions of the wall above three feet in height, the intent and purpose of the IDO would be met while still providing the applicant a safe, secure and private outdoor area on the uniquely shaped lot. The existing wall is designed to be consistent with the design and height of the wall on the abutting lot to the east, however, that wall is in the rear of the abutting home, not the front, and there are no walls in the area of similar height, location and design. The wall was carefully

developed and designed as to meet other applicable IDO regulations, specifically Materials and Texture [IDO §14-16-5-7(E)(1)], Design [IDO §14-16-5-7(E)(3)], and Articulation and Alignment [IDO §14-16-5-7(E)(2)].

Despite partially meeting one and failing to meet one of the Review and Decision Criteria for a Permit – Wall or Fence – Major, staff recommends approval for the wall that has the support of many members of the community, and, in meeting the regulations of Table 5-7-2, would be the minimum necessary to enclose the space and provide a safe, secure and private usable open area on the site.

Staff analysis has determined that the requested variances do not meet the Variance – ZHE Review and Decision criteria found in IDO 14-16-6-6(O)(3), specifically criteria surrounding the reasonable use, economic return or practical difficulties would not be affected from strict compliance with the minimum standards of Table 5-7-2. The existing wall was built without a permit and the variance requests undermine the intent and purpose of the IDO surrounding design and height regulations required in order to build a taller wall than permissively allowed; the variances are not the minimum necessary to avoid extraordinary hardship or practical difficulties, and strict adherence to Table 5-7-2 would provide the same security and privacy functions without needing additional variances.

Staff recommends Approval of MZP-2026-00007, Permit – Wall or Fence Major

Staff recommends Denial of VA-2026-00016, Variance – ZHE, a Variance request of 1-foot to the maximum 5-foot wall height for a Permit - Wall or Fence – Major, to allow for a 6-foot-tall fence within 10-feet of property line pursuant to IDO Table 5-7-2.

Staff recommends Denial of VA-2026-00041, a Variance request to waive the wall opacity requirements for a Permit – Wall or Fence – Major pursuant to IDO Table 5-7-2.

Findings – Permit – Wall or Fence – Major

Plan # MZP-2026-00007

1. This is a request for a Permit – Wall or Fence Major for an existing 6-foot-high fence built taller than permissively allowed in Table 5-7-1: Maximum Wall Height, found within IDO §14-16-5-7(D) Maximum Wall Height, for Lot G1 Block 12 VISTA LARGA SUBD ZND REPL, located at 2212 VISTA LARGA DR NE, between Haines Avenue NE and Cornell Drive NE, containing approximately 0.3 acres.
2. The site has no recorded requests (variance or conditional use) submitted to the Zoning Hearing Examiner (ZHE) for consideration and approval.
3. The applicant has authority to pursue this application, pursuant to IDO §14-16-6-4(H).
4. The applicant has authorized an Agent to act on the Applicant’s behalf regarding this request.
5. Applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO §14-16-6-4(E)(3).
6. Applicant bears the burden of exhibiting compliance with required standards through analysis, illustrations, or other exhibits, pursuant to IDO Section 14-16-6-4(E)(4).
7. The content of the notice of the Application satisfies IDO Section 14-16-6-4(J)(1).
8. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
9. The wall at the center of this request was built without a permit as required in the IDO.
10. The subject site is a uniquely shaped corner lot that faces Vista Larga Dr. NE. The front and street side property lines blend into a single curved line following the road.
11. Pursuant to Table 5-1-7: Maximum Wall Height, a wall in the front or street side yard is limited to a 3-foot maximum height in these locations.
12. The existing fence/wall is 6-feet in height, made of wood and is 100% opaque. The wall follows the entire curved property line along Vista Larga Dr. NE, stepping inward by 21-feet at the curved driveway exit along the southwestern side of the property, before continuing at along the southern section of the property line, and connecting to the home along the southeastern driveway.
13. A Permit – Wall or Fence Major is required in order to request a wall taller than permissively allowed in the R-1 zone district, pursuant to IDO § 14-16-5-7(D)(3)2.
14. A Permit – Wall or Fence – Major is required to meet regulations pursuant to Table 5-7-2: Options for a Taller Front or Side Yard Wall establishes regulations for taller front and

ZONING HEARING EXAMINER SECTION

side yard walls, including, view fencing at most 50 percent opaque may be added above 3ft. to increase the total height of the wall as follows: <10 ft. from lot line abutting street has a maximum wall height of 5ft. The wall in question does not meet either requirement.

15. Two Variance(s) – ZHE, pursuant to Integrated Development Ordinance (IDO) Subsection 14-16-6-6(O) have been submitted. One Variance is to waive the View Fencing requirement for fences above 3-feet in height and the second variance is of 1-foot to the maximum allowed 5-foot wall height for a wall within 10-feet of the lot line abutting a street, found in Table 5-7-2.
16. Applicant has 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 §14-16-6-4(J)(2).
17. Applicant has sent mailed notice to all property owners within 100 feet of the subject property as required by IDO §14-16-6-4(J)(3).
18. IDO § 14-16-6-6(H)(3) (Review and Decision Criteria) reads:

“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 § 14-16-5-7(D)(3)(a)2 (Exceptions to Maximum Wall Height) and Table 5-7-2 shall be approved if all of the following criteria are met.

6-6(H)(3)(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

There are 8 properties facing Vista Larga within 330 feet of the subject site. Of those, two have walls taller than 3-feet in the front yard that contribute to the 20% requirement for a Major Wall Permit.

6-6(H)(3)(b) The proposed wall would strengthen or reinforce the architectural character of the surrounding area.

The applicant has provided examples of multiple walls within the neighborhood that provide a look into the architecture and character of the

nearby community. The subject wall directly matches the rear yard fence of the easterly abutting property. However, staff review finds that there are no front yard walls at the property line, regardless of height. This change can be undesirable in the Vista Larga Residential Historic District and is not in line with the character of the surrounding area.

6-6(H)(3)(c) The proposed wall would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community.

The wall has already been developed and appears to be well constructed. Staff feels the wall has not negatively impacted the surrounding neighborhood and, should it be allowed to remain, it will not be injurious to adjacent properties.

6-6(H)(3)(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.

The fence meets IDO Section 5-7(E)(2) Articulation and Alignment Option 1 requirements; "Vertical pilasters with a minimum projection of 2 inches from the public side of the wall surface at intervals no more than 20 foot in length,"

The applicant has provided photographic evidence that shows the wall does block the lower portions of windows 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.

The wood construction of the fence is uncommon in the area, it's design does not generally reflect the architectural character of the surrounding area. The location and height of the wall is not found throughout the community and does raise staff concern about the proposed wall being a true reflection on the character of the Vista Larga Residential Historic District.

19. Applicant has shown compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO § 14-16-6-4(E)(4).
20. The City of Albuquerque Transportation Division has provided comments on the requests, staff notes no objections to any parts of the request.

21. Staff has received 8 letters in support of the request, and 3 against this request from surrounding community members.

Findings – Variance - ZHE

Plan # VA-2026-00016; VA-2026-00041

1. This is a request two Variance – ZHE requests for a wall built taller than allowed in Table: 5-7-1: Maximum Wall Height that does not meet the height, location or opacity requirements of Table 5-7-2: Options for a Taller Front or Side Yard Wall, for Lot G1 Block 12 VISTA LARGA SUBD ZND REPL, located at 2212 VISTA LARGA DR NE, between Haines Avenue NE and Cornell Drive NE, containing approximately 0.3 acres.
2. ABQ-Plan #VA-2026-00016 is a Variance request of 1-foot to the maximum 5-foot wall height for a Permit - Wall or Fence – Major, to allow for a 6-foot-tall fence within 10-feet of property line pursuant to IDO Table 5-7-2.
3. ABQ-Plan #VA-2026-00041 is a Variance request to waive the wall opacity requirements for a Permit – Wall or Fence – Major pursuant to IDO Table 5-7-2.
4. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
5. The wall at the center of this request was built without a permit as required in the IDO.
6. The subject site is a uniquely shaped corner lot that faces Vista Larga Dr. NE. The front and street side property lines blend into a single curved line following the road.
7. Pursuant to Table 5-1-7: Maximum Wall Height, a wall in the front or street side yard is limited to a 3-foot maximum height in these locations.
8. The existing fence/wall is 6-feet in height, made of wood and is 100% opaque. The wall follows the entire curved property line along Vista Larga Dr. NE, stepping inward by 21-feet at the curved driveway exit along the southwestern side of the property, before continuing at along the southern section of the property line, and connecting to the home along the southeastern driveway.
9. A Permit – Wall or Fence Major is required in order to request a wall taller than permissively allowed in the R-1 zone district, pursuant to IDO 14-16-5-7(D)(3)2.
10. Pursuant to IDO 14-16-5-7(D)(3)2. A request for a taller wall that meets the height and location standards in Table 5-7-2 shall require Permit – Wall or Fence – Major.
11. Pursuant to Table 5-7-2: Options for a Taller Front or Side Yard Wall establishes regulations for taller front and side yard walls, including, view fencing at most 50 percent opaque may be added above 3ft. to increase the total height of the wall as follows: <10 ft. from lot line abutting street has a maximum wall height of 5ft. The wall in question does not meet either requirement.

ZONING HEARING EXAMINER SECTION

12. Two Variance(s) – ZHE, pursuant to Integrated Development Ordinance (IDO) Subsection 14-16-6-6(O) have been submitted. One Variance is to waive the View Fencing requirement for fences above 3-feet in height and the second variance is of 1-foot to the maximum allowed 5-foot wall height for a wall within 10-feet of the lot line abutting a street, found in Table 5-7-2.
13. The applicant has authority to pursue this application, pursuant to IDO §14-16-6-4(D).
14. The applicant has authorized an Agent to act on the Applicant's behalf regarding this request.
15. Applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO §14-16-6-4(E)(3).
16. Applicant bears the burden of exhibiting compliance with required standards through analysis, illustrations, or other exhibits, pursuant to IDO Section 14-16-6-4(E)(4).
17. The content of the notice of the Application satisfies IDO Section 14-16-6-4(J)(1).
18. Applicant has 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 §14-16-6-4(J)(2).
19. Applicant has sent mailed notice to all property owners within 100 feet of the subject property as required by IDO §14-16-6-4(J)(3).
20. The site has no recorded requests (variance or conditional use) submitted to the Zoning Hearing Examiner (ZHE) for consideration and approval.
21. Pursuant to Table 5-1-7: Maximum Wall Height, a wall in the front or street side yard is limited to a 3-foot maximum height in these locations.
22. Pursuant to §14-16-6-6(O)(3)(a) of the Integrated Development Ordinance, Review and Decision Criteria, "An application for a Variance – ZHE shall be approved if it meets all of the following criteria."
 1. There are special circumstances applicable to a single lot that are not self-imposed and that do not apply generally to other property in the same zone district and vicinity, including but not limited to size, shape, topography, location, surroundings, physical characteristics, natural forces, or by government actions for which no compensation was paid. Such special circumstances of the lot either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or economic return on the property, or practical difficulties result from strict compliance with the minimum standards.

The applicant has provided evidence demonstrating that there are special circumstances in regard to the physical characteristics of the subject site,

specifically the size, shape, topography of the lot and siting that limit useable yard areas of the subject site. These special circumstances could create hardship in the form of reduced privacy and security, limited use of rear yard area and increased front yard and street side yard areas which have more restrictive maximum wall height requirements. The applicant provided evidence in the justification letter that supports that these special circumstances do not generally apply to other properties in the vicinity and are not self-imposed.

Additionally, the applicants justification letter and the City's Advanced Map Viewer contour layer reflect topography of the site features a change in grade that, if the wall was to be developed 10-feet away from the property line, in order to achieve the same enclosing, security and privacy function for both pets and children, the wall would need to be taller due to the approximate 4-foot change in grade, which would undermine the intent and purpose of the regulations in Table 5-7-2 by reducing visibility from the home to the public right of way, obstructing the historic characteristics of the subject site and requiring a perceived taller wall to achieve the same results.

However, staff review has determined that a wall that meets the Permit – Wall or Fence – Major requirements of Table 5-7-2 would serve the applicants in a similar fashion while removing the need for additional variances. A 5-foot-tall fence and view fencing would still provide the property owners sufficient security and an enclosed space that would allow for the enjoyment and reasonable use of their property and available open space on the lot. Compliance with the regulations on Table 5-7-2 would not create extraordinary hardships or practical difficulties that limit the applicants reasonable use or economic return on their property.

2. The Variance will not be materially contrary to the public safety, health, or welfare.

The applicant has provided adequate evidence that generally meets the criteria, demonstrating that the Variance would not be materially contrary to the public safety, health or welfare. As of this writing, staff has not received agency comments regarding the existing wall. It is found that the wall and proposed variance has a small landscaped area on the street side of the wall that would provide enough distance as to not obstruct the Clear Sight Triangle or adversely affect pedestrian or vehicular safety along Vista Larga Dr.

3. The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.

The applicant has provided adequate evidence that generally meets the criteria, demonstrating that the variance does not cause significant adverse material impacts on surrounding properties or planned infrastructure improvements in the

vicinity. The wall matches the design and construction of the neighboring properties wall to the east, with the intent to develop a wall that is generally consistent with the character of surrounding properties. Additionally, at the time of this writing, staff is not aware of any current or future plans for infrastructure improvements that would be adversely impacted by this variance. Staff analysis finds the requested variance would not cause significant adverse impacts surrounding properties.

4. The Variance will not materially undermine the intent and purpose of this IDO, the applicable zone district, or any applicable Overlay Zone.

Staff analysis finds that the request does undermine the intent and purpose of the IDO. The existing wall was built without a permit and a height, location and design that is not in compliance with IDO and R-1 zoning regulations. Additionally, the existing wall does not meet the requirements that would allow for a wall taller than the maximum allowed, through the Permit – Wall or Fence – Major application. While staff agrees there is reasoning to allow a wall taller than permissively allowed, the applicants justification does not adequately support that the additional variances are necessary. A wall at property line that meets the requirements of Table 5-7-2 will serve the same security and privacy function the applicant is seeking. Additional options to increase security would be to utilize landscaping and vegetation to increase screening on the front yard if desired.

5. The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.

Staff review has determined that the same goals the applicant is seeking with the existing wall could be adequately met with a 5-foot tall wall and view fencing above 3-feet. Staff is in agreement with the Permit – Wall or Fence Major, in allowing a taller wall than permissively allowed on the property line. However, in determining what the minimum necessary to avoid extraordinary hardship or practical difficulties would be on the subject site, staff analysis determines that meeting the wall regulations of Table 5-7-2 are not unreasonable and would effectively be the minimum necessary to avoid hardships on the site.

23. The City of Albuquerque Transportation Division has provided comments on the requests, staff notes no objections to any parts of the request.
24. Staff has received 8 letters in support of the request, and 3 against this request from surrounding community members.

Recommendation

1. ***APPROVAL of Permit – Wall or Fence - Major - MZP-2026-00007 to allow for an existing wall, taller than permissively allowed in the IDO for Lot G1 Block 12 VISTA LARGA SUBD ZND REPL, located at 2212 VISTA LARGA DR NE, between Haines Avenue NE and Cornell Drive NE, containing approximately 0.3 acres.***
2. ***DENIAL of the Variance– ZHE, VA-2026-00016 a variance of 1 foot to the maximum allowed 5-foot wall height for a wall built within 10-feet of the property line for a Permit - Wall or Fence – Major pursuant to IDO Table 5-7-2, for Lot G1 Block 12 VISTA LARGA SUBD ZND REPL, located at 2212 VISTA LARGA DR NE, between Haines Avenue NE and Cornell Drive NE, containing approximately 0.3 acres.***
3. ***DENIAL of the Variance– ZHE, VA-2026-00041, a variance of the entire view fencing requirement needed for a Wall or Fence – Major pursuant to IDO Table 5-7-2, for Lot G1 Block 12 VISTA LARGA SUBD ZND REPL, located at 2212 VISTA LARGA DR NE, between Haines Avenue NE and Cornell Drive NE, containing approximately 0.3 acres, based on the preceding Findings.***

Conditions of Approval

1. The applicant is responsible to acquire, and approval is contingent upon, all applicable permits and related approvals.
 2. The wall shall be modified to meet requirements in Table 5-7-2: Options for a Taller Front or Side Yard Wall. Specifically, for a wall at the property line, the wall shall be no taller than 5-feet in height and any portions of the wall above 3-feet in height shall have view fencing installed to meet the 50% opacity requirement.
-

Daniel Soriano & Korrina Christensen

Staff Planner, ZHE
Urban Design and Development Division

Associate Planner, ZHE

Notice of Decision cc list:

Michelle Negrette, Agent, Strata Design LLC, stratadesign.nm@gmail.com
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Tim Davis, North Campus Neighborhood Association, tdavisnm@gmail.com
Maia Mullen, North Campus Neighborhood Association, maiamullen@gmail.com

Paula Hensley, 1413 Cornell Dr. NE, Albuquerque, NM 87106, plh321@gmail.com
James Scott & Heidi Fleischmann, 1513 Cornell Dr. NE, Albuquerque, NM 87106,
jscott672@comcast.net
Catherine Squire, 1519 Cornell Dr. NE, Albuquerque, NM 87106, darcey70@yahoo.com
Mary E. Wommack, 2301 Vista Larga Ave. NE, Albuquerque, NM 87106
David & Noel Westlake, 2207 Vista Larga Ave. NE, Albuquerque, NM 87106
Shanti Randall, 2219 Vista Larga Dr. NE, Albuquerque, NM 87106
Steve & Gillian Mazer, 1507 Connell Dr. NE, Albuquerque, NM 87106
Samuel Hodder, 1419 Connell Dr. NE, Albuquerque, NM 87106
Sara Hiat, 2213 Vista Larga Ave. NE, Albuquerque, NM 87106
Christiane Cuse, 1505 Cornell Dr. NE, Albuquerque, NM 87106
John Craig, 2200 Vista Larga Ave. NE, Albuquerque, NM 87106
Andrew Coon, City Legal, acoon@cabq.gov
ZHE File
Zoning

A) PHOTOGRAPHS

Photos of the Subject Site.



Subject site, looking straight to the front from Vista Larga Dr. NE.



Subject Property looking toward the house front, facing east

ZONING HEARING EXAMINER SECTION

Rear yard fence of eastern abutting property.



14-16-6-6(H)(3)a: Below photos demonstrate two properties with walls over 3 feet in height in the front yard.



ZONING HEARING EXAMINER SECTION

The following photographs demonstrate the architectural character of the neighborhood.









B) APPLICATION INFORMATION



March 9, 2026

Office of the Zoning Hearing Examiner
City of Albuquerque
Albuquerque, NM 87103

RE: 2212 Vista Larga Avenue NE
Current Zoning: R-1D
Zone Atlas Map: J-16

SUBJ: Wall Permit Major and a Variance to allow a 6 ft wall solid in the front yard setback

To Whom It May Concern:

I am writing on behalf of my clients, Eric Stebbins and Maggie Hart Stebbins, the owners of 2212 Vista Larga Avenue NE, to request a Wall Permit Major and two variances to **Table 5-7-2: Options for a Taller Front or Side Wall** with respect to **Table 5-7-1 Maximum Wall Height** due to the exceptional conditions of the property outlined below.

2212 Vista Larga Avenue NE consists of a single-family house. The owners have recently constructed a 6-foot wooden fence within the front yard setback without knowing that a Wall Permit and Variance are required. This fence is desired to increase the fenced usable open space on the property and to ensure the safety, security, and privacy of a public official. Due to the platting of the neighborhood and the orientation of the home on the site, this lot has special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity.

Per Section 6-6(H)(3) Wall or Fence Permit Major of the 2025 IDO Update – Effective April 2025:

Criteria 6-6(H)(3)(a)

The fence meets section 6-6(H)(3) Review and Decision Criteria requirement #3: “For a front yard wall taller than allowed in Table-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 the 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 as measured along the street from each corner of the subject property’s lot line considering both sides of the street. *See figures 10 and 11.*”

Criteria 6-6(H)(3)(a)

The proposed wall in keeping with the materials, landscaping, and height of walls within 330 feet of the subject property as well as other properties within close proximity. Wood fencing is found on the abutting rear yard neighbors side yard fence as well as on corner lots within close proximity (See Figure 12 &14). Similar wall and fence heights within the front setback are also found throughout the neighborhood. Due to the presence of tall walls within the front setback and the use of a material commonly found in the neighborhood, the proposed fence will reinforce the architectural character of the neighborhood. *See Figures 10-19.*

Criteria 6-6(H)(3)(c)

The proposed fence has been professionally constructed per standard procedures for fence construction and will not be injurious to adjacent properties, the surrounding neighborhood, or the larger community.

Criteria 6-6(H)(3)(d)

The fence meets **IDO Section 5-7(E)(2) Articulation and Alignment Option 1** requirements; “Vertical pilasters with a minimum projection of 2 inches from the public side of the wall surface at intervals no more than 20 foot in length,” as well as **IDO Section 5-7(E)(3) Wall Design Option 3** requirements; “Use of second and visually contrasting material, color, or texture along the length of the wall on at least 20 percent of its surface” and **Option 5**; “A Variety of living shrubs, trees and or vines covering or overhanging at least 1/3 of the length of the wall.”

Additionally, the design of the fence complies with all applicable standard in **Section 14-16-5-7 (Walls and Fences)**, the wall does not block the view of any window on the front façade of the primary building when viewed from 5 feet above ground level at the center line of the street from the front of the house and the design and materials proposed for the wall or fence reflect the architecture and character of the surrounding area. *See Figures 1 & 2.*



Figure 1: Front of house

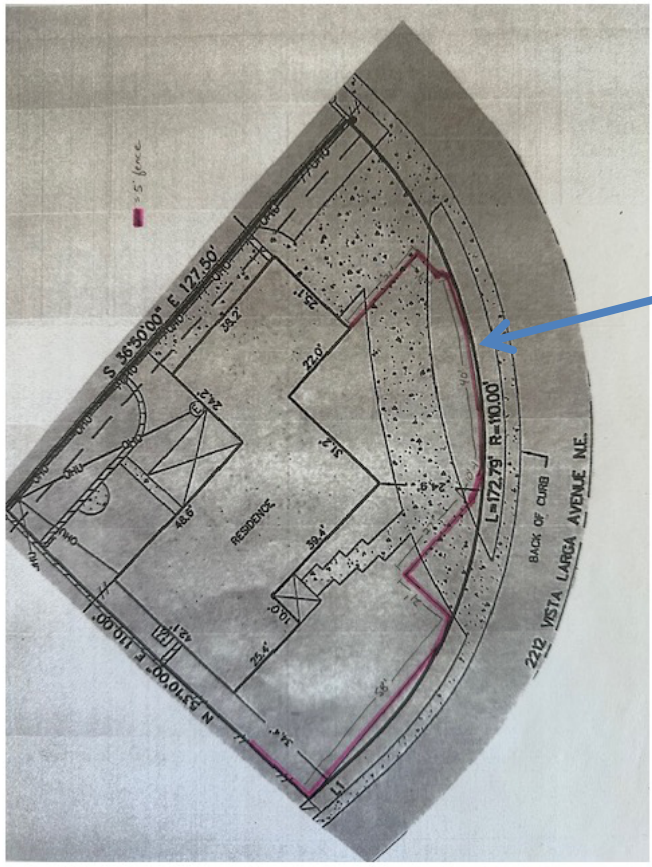


Figure 2: Side of house

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)
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)

[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.
 [2] Taller walls may be approved for low-density residential development pursuant to Subsections 14-16-5-7(D)(3)(a).
 [3] Taller walls may be approved for multi-family residential development pursuant to Subsection 14-16-5-7(D)(3)(b).
 [4] Taller walls may be approved in any Mixed-use zone district pursuant to Subsection 14-16-5-7(D)(3)(c).



Wall location



Figure 5: Wall elevations (top image shows front of house, bottom image shows side)

IDO Section 14-16-6-6(O)(3)(a) (Variance-Review and Decision Criteria):

“...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 and vicinity, including but not limited to size, shape, topography, location, surroundings, or physical characteristics, natural forces or by government actions for which no compensation was paid. Such special circumstances of the lot either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or economic return on the property, or practical difficulties result from strict compliance with the minimum standards.
- 2) The Variance will not be materially contrary to the public safety, health, or welfare.
- 3) The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.
- 4) The Variance will not materially undermine the intent and purpose of the IDO or the applicable Overlay Zone.
- 5) The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.”

Justification for Exception to 50% View Fencing and for Exception to 6 within 10 feet from lot line abutting street.

1. There are special circumstances applicable to this property that are not self-imposed and that do not generally apply to other property in the same zone district and vicinity. The Property in question meets the criteria for a variance in **IDO Section 14-16-6-6(O)(3)(a) (Variance-Review and Decision Criteria)** of the Integrated Development Ordinance for the following reasons:



Figure 6: 1959 Aerial Photo

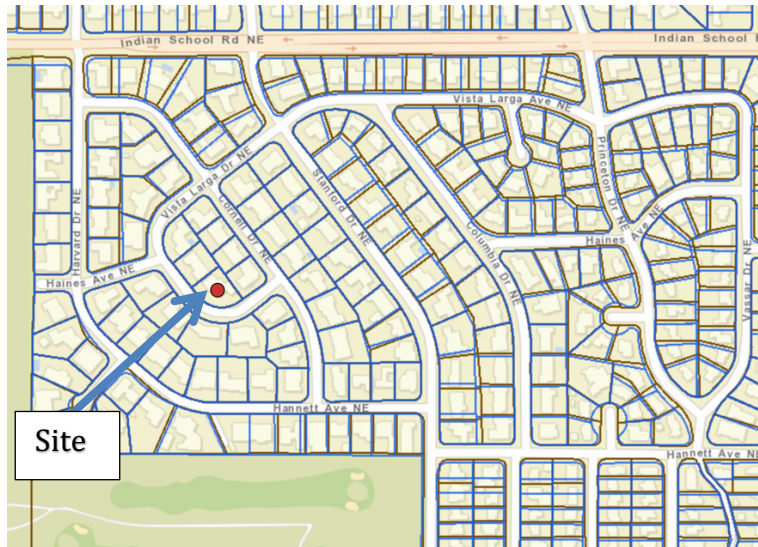


Figure 7: Plat Map

- a. The neighborhood was platted prior to the establishment of the zoning code (Figure 6) and the subject lot consists of an unusual shape when compared to abutting properties (Figure 7). The abutting and adjacent properties typically have clear front, rear, and side yard areas. The front and side yard areas adjacent to the public street of the subject lot are ambiguous due to the large curve radius of the street. As a result, there is no clear rear yard or front yard along the public street, thus there is limited privacy for the property owner. The 6-foot wall is intended to increase the area of the site that is for private use and can provide an enclosed area for pets.



Figure 8: Photo of the subject property

- b. Due to the siting of the house and garage on the odd shaped lot, there is very limited area, less than 15% of the lot, that can be considered secured rear yard. As the lot is located with two sides exposed to the public street, there is very little fenced area, particularly when compared to similar sized lots in the vicinity to provide security for the homeowners and enclosed spaces for children to play or for dogs to run.

- c. Due to the topography of the site, a fence higher than 5 feet is being requested to be located at or near the property line. There is an approximate 4-foot grade change at the 10-foot setback requirement. The current fence is set at the property to reduce the impact of the height of the fence from the sidewalk while having a tall enough fence to keep in dogs. The perceived height of the fence if it were located 10 feet from the property line would be approximately 8 to 10 feet high from the sidewalk. Locating the fence at the ten-foot setback line would block the front windows of the home, decrease the usable area of the front yard and potentially require a retaining wall. The solid fence at the zero lot would have a height to a 3 foot fence at the 10 foot setback.



Figure 9.1: Photo of the subject property

2. This variance will not be materially contrary to the public safety, health, or welfare of the adjacent properties or the neighborhood as required by **Section 14-16-6-6(O)(3)(a)(2)**. If granted approval, the owner intends to retain the 6 foot high fence along property street frontage, which is an additional 3 foot to the allowed 3 foot maximum wall height within the front setback. This encroachment is requested for the safety and privacy of the residents who serve as a public official. A solid fence in the proposed location does not impact vehicle site requirements due to the wide street radius. There is a landscape area between the sidewalk and the fence which provides additional space between the sidewalk and the fence contributing to the safety of the pedestrian, and the new plantings reduce impact of fence on the welfare of adjacent properties. The required visibility of the front windows is maintained due to the change in grade elevation as the house sits approximately four feet higher than the road.
3. The variance will not cause significant adverse material impacts on surrounding properties or infrastructure improvements in the vicinity. Over 20% properties within 100 feet of the property also have a solid fence or wall over 3 feet in the front yard setback. The present fence is in keeping with the character of the walls on adjacent and abutting properties. Therefore, the variance will not deviate the physical development pattern and character of the neighborhood. (Figure 7).

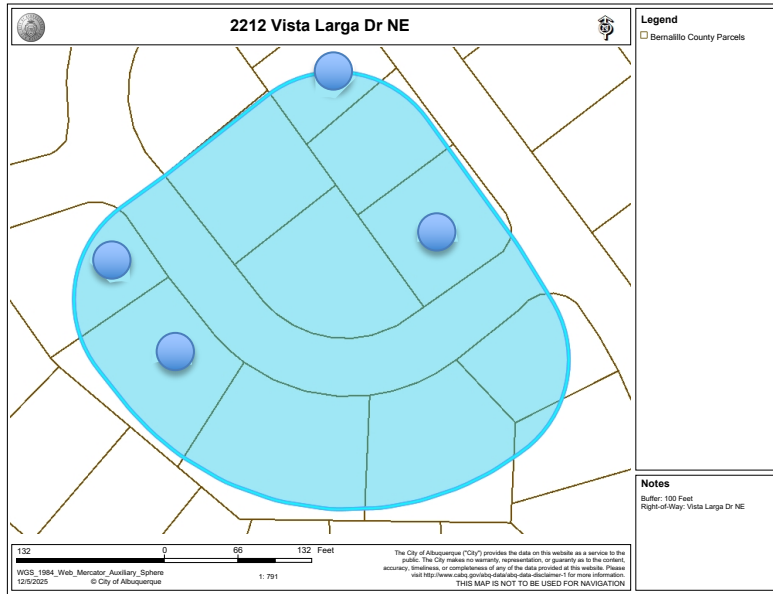


Figure 10: Lots with walls in front setback, Buffer Map

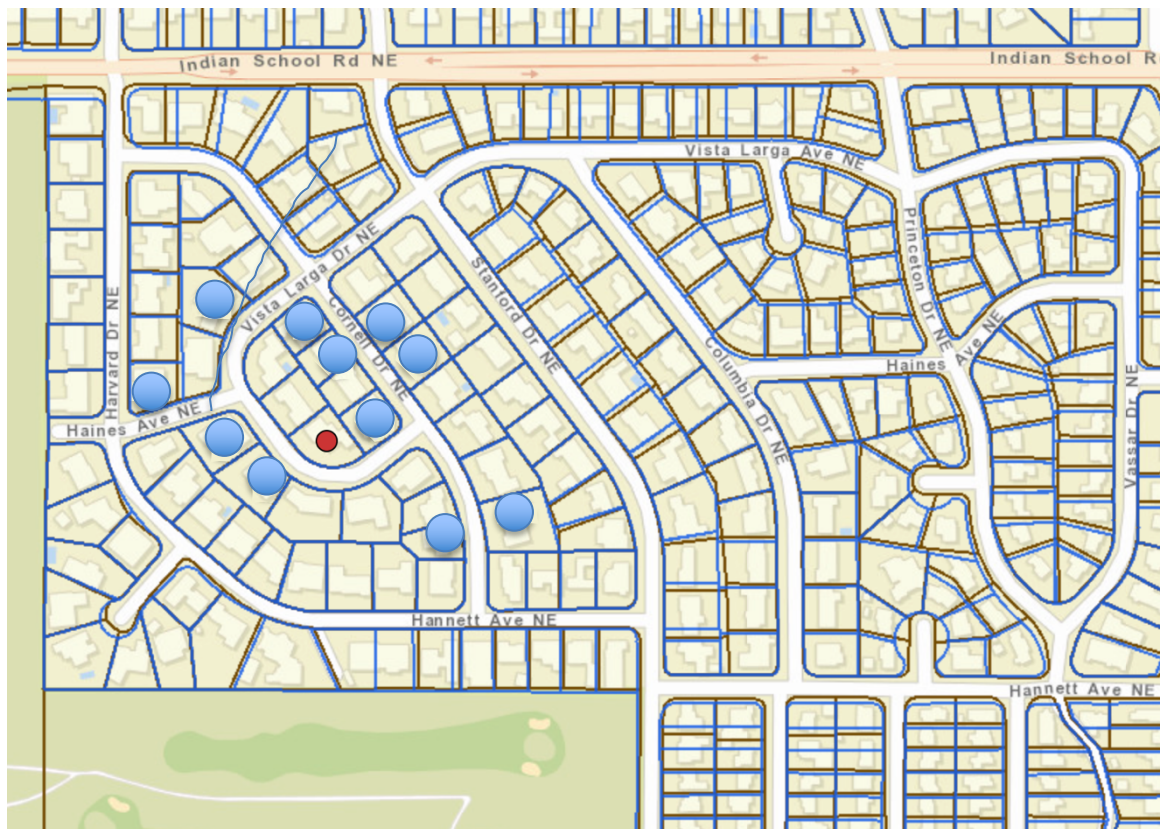


Figure 11: Properties with walls over 4 feet within the front setback within the vicinity.



Figure 11: 2219 Vista Larga NE



Figure 12: 1505 Cornell NE



Figure 13: 1518 Cornell NE



Figure 14: 1601 Harvard NE



Figure 15: 1512 Cornell NE



16: 1513 Cornell NE



Figure 17: 1407 Cornell NE



Figure 18: 2307 Vista Larga NE



Figure 19: 2225 Vista Larga NE

The Variance will not materially undermine the intent and purpose of the IDO or the applicable zone district. The property is located in an area of consistency and more than 20% of the homes within 330 feet have a solid fence or wall in the front yard setback that is over 4 feet of similar height and material. As many of the adjacent and abutting homes along Vista Larga Avenue and Stanford Drive have courtyard walls similar in nature, the proposed wall will strengthen or reinforce the architectural character of the surrounding area.

4. The Variance will allow this property to be more similar in character with properties which have an enclosed courtyard within the front yard setback. Additionally, intent of the IDO will still be met in that the subject site will continue to meet the use and development requirements consistent with low density residential development while supporting usable open space for the subject lot residents consistent with the adjacent development.
5. The Variance requested is the minimum necessary to avoid extra ordinary hardship or practical difficulties. The increase of 3 feet to the 3 feet wall height within the front setback is the minimum necessary to provide an enclosed area for private use and to provide a secured access point to the property ensuring the safety of a public official. Due to the topography of the site, the house remains visible from the street and the residents continue to have a visual connection to the neighborhood from the house.

As a result of the above exceptional physical constraints, the lack of conformance with the existing development conditions of the adjacent and abutting properties and the use of the parcel, the **Maximum Wall Height Table 5-7-1** and **Table 5-7-2: Options for a Taller Front or Side Wall** poses unnecessary hardship. On behalf of my client, I respectfully request that you consider the unnecessary hardship these regulations impose and grant my client a Wall Permit Major, a Variance of 3 feet to the maximum 3-foot wall height within the front setback and a Variance to the 50% view fencing above 3 feet to provide safety, security, and privacy for the residents.

Please feel free to contact me, or my client with any questions regarding this matter. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'MN' with a horizontal line extending to the right.

Michelle Negrette, NCARB, LEED AP
Strata Design, LLC
505.710.4221

From: eestebbins@gmail.com eestebbins_at_gmail.com_flutie@duck.com
Subject: Letter
Date: January 28, 2026 at 10:58 AM
To: flutie@duck.com



Letter of Authorization

To: Zoning Hearing Examiner

Date: January 27, 2026

To Whom It May Concern:

We, Eric Stebbins and Maggie Hart Stebbins, hereby authorize Strata Design to act on my behalf in all matters relating to this application for Zone Map Amendment filed for my property located at 2212 Vista Larga NE, NM 87106

Property Owner(se) Printed Name (Applicant): Margaret H. Stebbins

Property Owner(se) Signature (Applicant): Margaret H. Stebbins

Property Owner(se) Printed Name (Applicant): ERIC E. STEBBINS


Property Owner(se) Signature (Applicant): Eric E. Stebbins

Mailing Address: 2212 Vista Larga NE, Albuquerque, NM 8106

* Where a property has more than one owner, all owners must consent in writing to the filing of the application to the maximum extent practicable. In the case that not all of the property owners have consented in writing to the application, or when the ownership status of some parties is unclear (as shown on a title abstract or title insurance commitment), the owner shall attest in writing that all of the property owners shown on a title abstract or title insurance commitment have been notified or the application in writing at their last known address as shown on the property tax records of Bernalillo County.

C) PUBLIC NOTICE



From: Michelle Negrette stratadesign.nm@gmail.com 

Subject: Variance request for wall - 2212 Vista Larga NE

Date: February 3, 2026 at 11:11 AM

To: northcampusna@gmail.com, mikekious@aol.com, jaemes1@mac.com, tdavisnm@gmail.com, Maia Mullen maiamullen@gmail.com

Good Morning,

Please find the attached information regarding a variance request to the Zoning Hearing Examiner for an exception of 3 feet to the 3 foot wall height in the front yard setback. Please feel free to contact me with any questions.

Thank you,

Michelle Negrette
Strata Design, LLC
505.710.4221
stratadesign.nm@gmail.com

**compressed packet. Vista
Larga.pdf**
1.9 MB





Date: February 2, 2026

**RE: 2212 Vista Larga NE
Zoning: R-1D
Zone Atlas Map: J-16**

SUBJ: Wall Permit Major and a Variance to allow a 6 ft fence in the front yard setback

To Whom It May Concern:

I am writing on behalf of my clients, Eric Stebbins and Margaret Hart Stebbins, owners of 2212 Vista Larga NE, to request a variance to **Table 5-7-1 Maximum Wall Height** for the recently constructed 6 ft fence in the front yard setback.

The purpose of the fence is to have additional fenced yard and to secure access to the property. Due to the lot shape and the location of the house and garage, the fenced back yard area is approximately 10-15% of the yard area, providing limited area for pets and family gatherings. The new fence increases the usability of the yard and improves security. Please find the attached information regarding the variance request zone atlas page, site plan indicating wall location and photographs showing wall design.

We have made a request for a Variance with the Zoning Hearing Examiner. The request will be heard on **March 17, 2026 at 9:00 am via zoom**. Please use the following information if you would like to attend the meeting.

- [Zoom Link: https://cabq.zoom.us/j/9756087372](https://cabq.zoom.us/j/9756087372)
- Call in: (975) 608-7372
- Meeting ID: 975 608 7372

Please feel free to contact me with any questions.

Thank you,

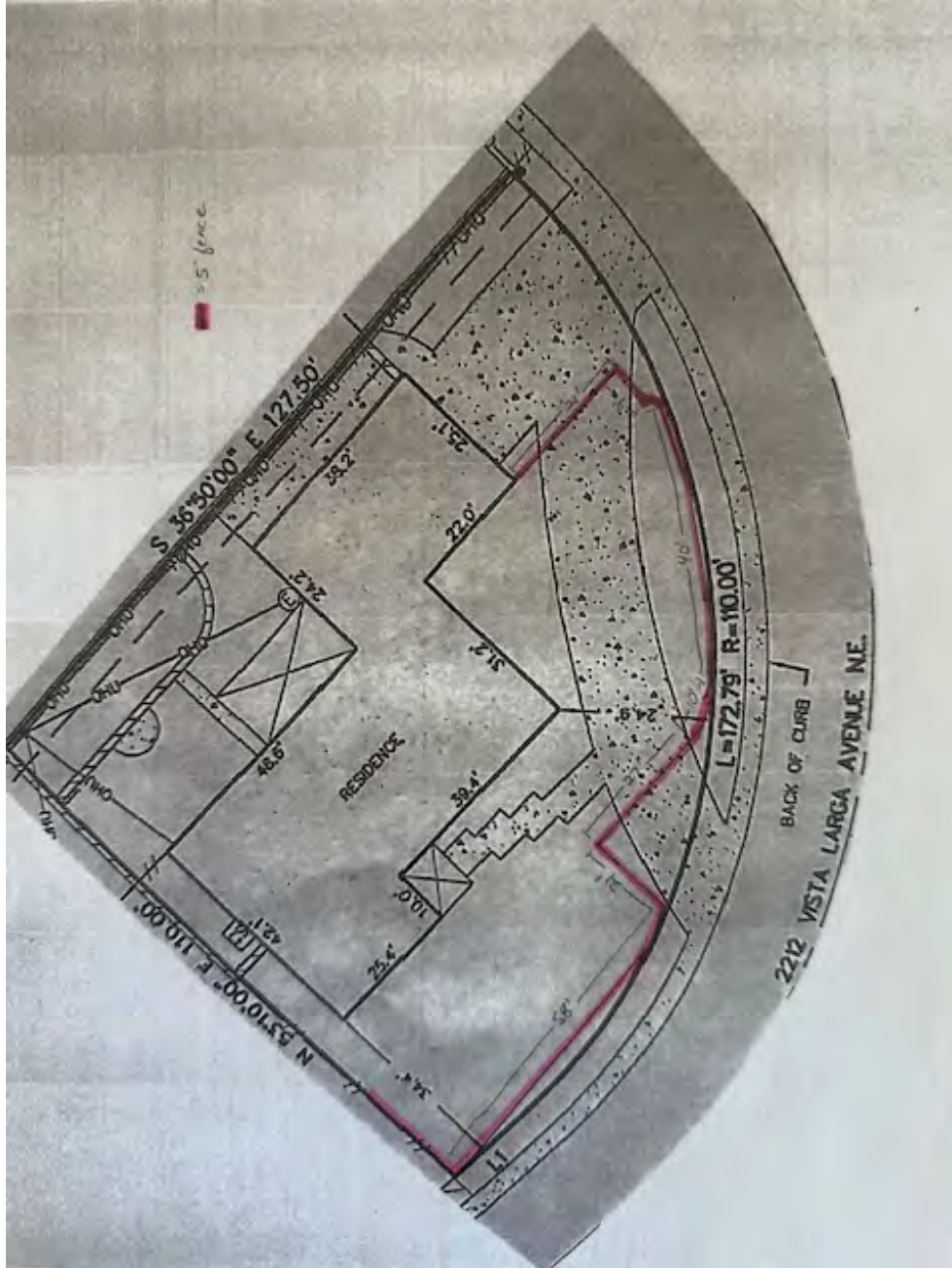
Michelle Negrette

Strata Design, LLC
Stratadesign.nm@gmail.com

Images of fence at 2212 Vista Larga NE



Images of Fence at 2212 Vista Larga NE.





**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: Variance - ZHE	
Decision-making Body: ZHE	
Pre-Application meeting required:	<input type="radio"/> Yes <input checked="" type="radio"/> No
Mailed Notice required:	<input checked="" type="radio"/> Yes <input type="radio"/> No
Electronic Mail required:	<input checked="" type="radio"/> Yes <input type="radio"/> No
Is this a Site Plan Application?	<input type="radio"/> Yes <input checked="" type="radio"/> No Note: if yes, see second page
PART II – DETAILS OF REQUEST	
Address of property listed in application: 2212 Vista Larga NE, Albuquerque, NM 87106	
Name of property owner: Eric Stebbins & Margaret Hart Stebbins	
Name of applicant: Strata Design, LLC	
Date, time, and place of public meeting or hearing, if applicable:	
March 17, 2026 via Zoom, See link and phone number information in attached letter.	
Address, phone number, or website for additional information:	
505.710.4221	
PART III - ATTACHMENTS REQUIRED WITH THIS NOTICE	
<input checked="" type="checkbox"/>	Zone Atlas page indicating subject property.
<input checked="" type="checkbox"/>	Drawings, elevations, or other illustrations of this request.
<input type="checkbox"/>	Summary of pre-submittal neighborhood meeting, if one occurred.
<input checked="" type="checkbox"/>	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(J).	
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 is complete, true, and accurate to the extent of my knowledge.

(Applicant signature)

February 2, 2026

(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.

[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*: February 2, 2026

This notice of an application for a proposed project is provided as required by the Integrated Development Ordinance (IDO) [§14-16-6-4\(J\) 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\(J\)\(1\)\(a\)](#)

1. Subject Property Address* 2212 Vista Larga NE ABQ, NM 87106 (zipcode)
Location Description _____
2. Property Owner* Eric Stebbins and Margaret Hart Stebbins
3. Agent/Contractor (if other than the property owner) Strata Design, LLC
4. Application Type(s)²* see IDO [Table 6-1-1](#):

- | | |
|--|---|
| <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Carport Permit |
| <input checked="" type="checkbox"/> Variance | <input checked="" type="checkbox"/> Major Wall/Fence Permit |
| <input type="checkbox"/> Other _____ | |

Summary of project/request*:

Variance of 3 feet to 3 foot high wall limit in the front yard setback.

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

Hearing Date*: March 17, 2026 (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.

Please note: Written comments may be submitted 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.

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

Applicant name: Strata Design, LLC

Email: stratadesign.nm@gmail.com Phone: 505.710.4221

Website or project page: _____

Attachments:

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

Other: _____

Project Information Required for Mail/Email Notice by [IDO §14-16-6-4\(J\)\(1\)\(b\)](#):

1. Zone Atlas Page(s)^{*4} J-16

2. Project Illustrations, as relevant^{*5}

Architectural drawings

Elevations of the proposed building(s)

Other relevant illustrations

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 to 3 foot height limit in the front yard setback.

4. Was a Pre-submittal Neighborhood Meeting held: Yes No

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

[Note: If a meeting was held, the meeting report is required to be provided in the application materials.]

NOTE: Pursuant to [IDO §14-16-6-4\(K\)](#) property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting up to 15 calendar days before the public hearing date. Requests for a facilitated meeting must be submitted through ABQ-PLAN: <https://www.cabq.gov/planning/abq-plan>

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.

Language Access Notice:

We provide free interpretation services to help you communicate with us. If you need help, you can request interpretation at any service counter in our Department, located in the Plaza Del Sol building, 600 2nd Street NW, Albuquerque, NM 87102.

Notificación de Acceso Lingüístico.
Ofrecemos servicios gratuitos de interpretación para ayudarlo a comunicarse con nosotros. Si necesita ayuda, puede solicitar servicios de interpretación en cualquier mostrador de servicio de nuestro Departamento, ubicado en el edificio Plaza Del Sol, 600 2nd Street NW, Albuquerque, NM 87102.

語言輔助通知。我們提供免費口譯服務，以幫助你與我們溝通。如果你需要幫助，你可以在我們部門的任何服務台請求口譯，服務台位於 Plaza Del Sol大樓，600 2nd Street NW，阿爾伯克基，NM 87102。

Thông báo về cách Tiếp cận Ngôn ngữ. Chúng tôi cung cấp các dịch vụ thông dịch miễn phí để giúp quý vị giao tiếp với chúng tôi. Nếu quý vị cần giúp đỡ, quý vị có thể yêu cầu thông dịch tại bất cứ quầy dịch vụ nào trong Sở của chúng tôi, tọa lạc tại tòa nhà Plaza Del Sol, 600 2nd Street NW, Albuquerque, NM 87102.

Saad Hadahwiis'a O'oolkaah bee dah na'astsooz. Nihik'inaasdzil t'aadoo baahilinigoo 'ata' hashne' tse'esgizii ach'i' dzaadi! Dzaadi! Danihi dahootahgoo bee nihi-. Daa' danihi bidin nishli dzaadi! Dzaadi! Danihi bineesh'a yinishkeed 'ata' hashne' -di t'aa biholniihgoo tse'esgizii ket'aaz -di nihihigii dah diikaah, -k'eh -di tsin Plaza Del Sol Kiniit'aagoo, 600 2nd Kiniit'aa NW, Albuquerque, NM 87102.



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).

Zone Atlas Page:
J-16-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

From: Flores, Suzanna A. Suzannaflores@cabq.gov 
Subject: 2212 Vista Larga NE _Public Notice Inquiry Sheet Submission
Date: February 3, 2026 at 10:52 AM
To: stratadesign.nm@gmail.com



PLEASE NOTE:
 The neighborhood association contact information listed below is valid for 30 calendar days after today's date.

Dear Applicant:

Please find the neighborhood contact information listed below. Please make certain to read the information further down in this e-mail as it will help answer other questions you may have.

Association Name	Association Email	First Name	Last Name	Email	Address Line 1	City	State	Zip	Mobile
District 7 Coalition of Neighborhood Associations		Michael	Kious	mikekious@aol.com	7901 Palo Duro Avenue NE	Albuquerque	NM	87110	5059
District 7 Coalition of Neighborhood Associations		Jaemes	Shanley	jaemes1@mac.com	1201 California St. NE	Albuquerque	NM	87110	
North Campus NA	northcampusna@gmail.com	Tim	Davis	tdavisnm@gmail.com	2404 Hannett NE	Albuquerque	NM	87106	5052
North Campus NA	northcampusna@gmail.com	Maia	Mullen	maiamullen@gmail.com	2400 Hannett Ave NE	Albuquerque	NM	87106	

The ONC does not have any jurisdiction over any other aspect of your application beyond this neighborhood contact information. We can't answer questions about sign postings, permit status, site plans, but plans, so we encourage you to contact the Planning Department at: 505-924-3857 Option #1, e-mail: devhelp@cabq.gov, or visit: <https://www.cabq.gov/planning/online-planning-permitting-applications> with questions.

Please note the following:

- You will need to e-mail each of the listed contacts and let them know that you are applying for an approval from the Planning Department for your project.
- Please use this online link to find the required forms you will need to submit your permit application. <https://www.cabq.gov/planning/urban-design-development/public-notice>.
- The Checklist you need for notifying neighborhood associations can be found here: <https://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance-1/public-notice>
- The Administrative Decision form you need for notifying neighborhood associations can be found here: <https://documents.cabq.gov/planning/online-forms/PublicNotice/Emailed-Notice-Administrativ>
- Once you have e-mailed the listed contacts in each neighborhood, you will need to attach a copy of those e-mails AND a copy of this e-mail from the ONC to your application and submit it to the Planning Department for approval.

If you have questions about what type of notification is required for your particular project or meetings that might be required, please click on the link below to see a table of different types of projects and what is required for each:

<https://ido.abc-zone.com/integrated-development-ordinance-ido?document=1&outline-name=6-1%20Procedures%20Summary%20Table>

Thank you,

Suzie



Suzie Flores
 Senior Administrative Assistant

Office of Neighborhood Coordination (ONC) | City Council Department | City of Albuquerque
 (505) 768-3334 Office
 E-mail: suzannaflores@cabq.gov
 Website: www.cabq.gov/neighborhoods

From: webmaster@cabq.gov <webmaster@cabq.gov>
Sent: Monday, February 2, 2026 3:34 PM
To: Office of Neighborhood Coordination <stratadesign.nm@gmail.com>
Cc: Office of Neighborhood Coordination <onc@cabq.gov>
Subject: Public Notice Inquiry Sheet Submission

Public Notice Inquiry For:
 Zoning Hearing Examiner

If you selected "Other" in the question above, please describe what you are seeking a Public Notice Inquiry for below:

Applicant Information
 Contact Name
 Michelle Negrette
 Telephone Number
 505-710-4221
 Email Address
stratadesign.nm@gmail.com

Company Name
 stratadesign
 Company Address
 711 Amherst Se
 City
 Albuquerque
 State
 NM
 ZIP
 87106

Subject Site Information
 Legal description of the subject site for this project:
 Physical address of subject site:
 2212 Vista Larga NE
 Subject site cross streets:
 Vista Larga and Haines NE
 Other subject site identifiers:
 This site is located on the following zone atlas page:
 J-16

Link for map
 C...



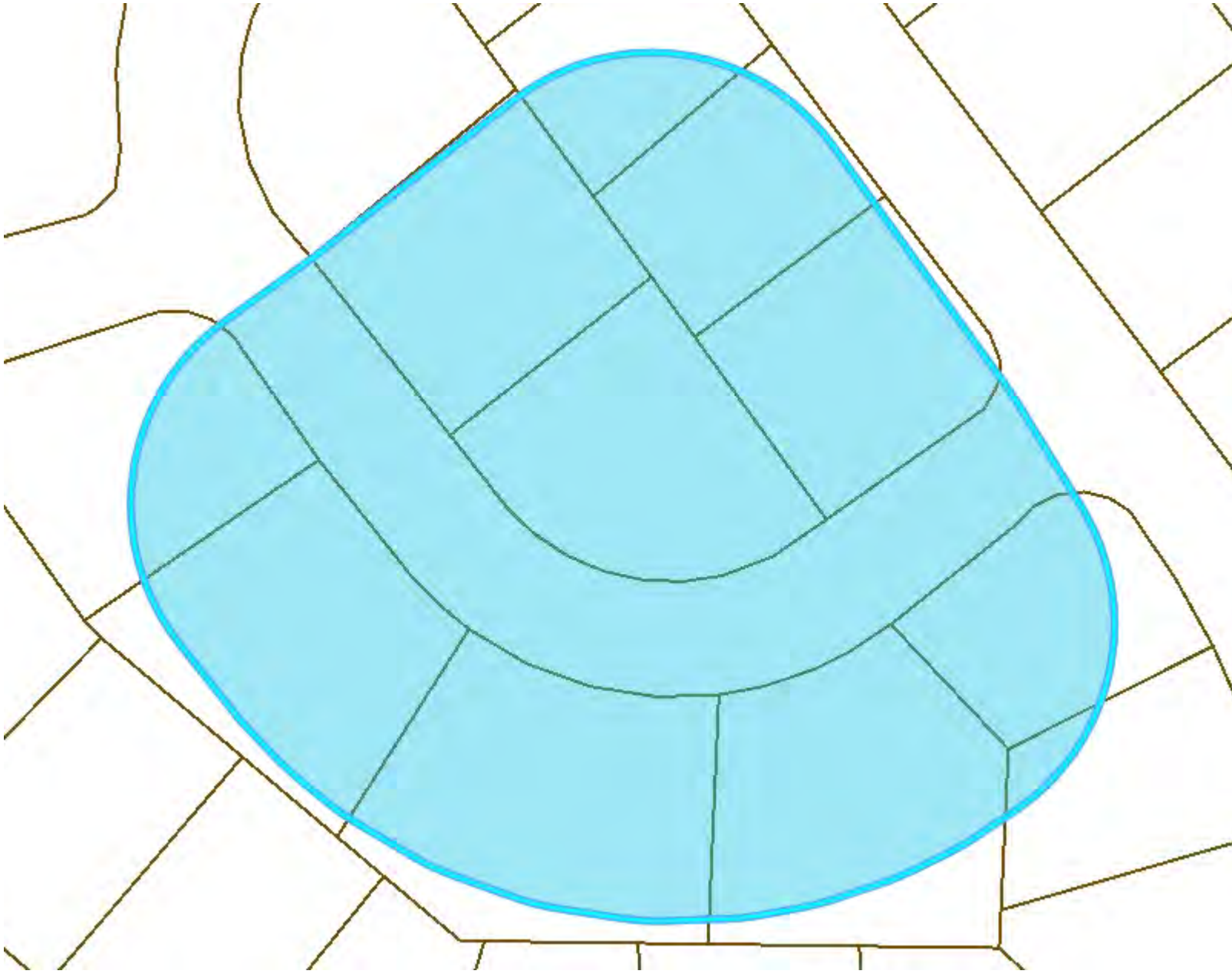


2212 Vista Larga Dr NE



Legend

□ Bernalillo County Parcels



Notes

Buffer: 100 Feet
Right-of-Way: Vista Larga Dr NE

132 0 66 132 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
12/5/2025 © City of Albuquerque

1: 791

The City of Albuquerque ("City") 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/abq-data/abq-data-disclaimer-1> for more information.

075

THIS MAP IS NOT TO BE USED FOR NAVIGATION

1505 CORNELL LLC
3922 KINGSWOOD RD
SHERMAN OAKS CA 91403-5029

CRAIG JOHN A & DORIS PACE
2220 VISTA LARGA AVE NE
ALBUQUERQUE NM 87106-3732

HENSLEY PAULA L TRUSTEE HENSLEY
TRUST
1413 CORNELL DR NE
ALBUQUERQUE NM 87106-3701

HODDER SAMUEL WILLIAM
1419 CORNELL DR NE
ALBUQUERQUE NM 87106-3701

JUDSON BRIAN & HIAT SARA & YOUNKIN
TIMOTHY J
2213 VISTA LARGA AVE NE
ALBUQUERQUE NM 87106

MAZER STEVE H & GILLIAN
1507 CORNELL DR NE
ALBUQUERQUE NM 87106-3703

RANDALL SHANTI D
2219 VISTA LARGA DR NE
ALBUQUERQUE NM 87106-3731

SAUNDERS ROGER D & MARTIENSSEN
MARIA T CO TRUSTEES SAUNDERS
MARTIENSSEN FT
2225 VISTA LARGA DR NE
ALBUQUERQUE NM 87106-3731

SCOTT JAMES C & FLEISCHMANN HEIDI E
1513 CORNELL DR NE
ALBUQUERQUE NM 87106-3703

STEBBINS MARGARET HART & ERIC E
2212 VISTA LARGA AVE NE
ALBUQUERQUE NM 87106-3732

WESTLAKE DAVID K & NOEL C DAVIS-
WESTLAKE
2207 VISTA LARGA NE
ALBUQUERQUE NM 87106

711 Amherst St
Albq., NH 07106

JOAN CRAIG
DOREIS PAUL CRAIG
2220 VISTA LARGA NE
ALBQ., NH 07106-3782

711 Amherst St
Albq., NH 07106

SHANTI RANDALL
2219 VISTA LARGA DR NE
ALBQ., NH 07106-3731

711 Amherst St
Albq., NH 07106

PAUL HENSLEY
TRUSTEE HENSLEY TRUST
1413 CORNELL NE
ALBQ., NH 07106-3701

711 Amherst St
Albq., NH 07106

ROGER SAUNDERS & MARIA MAET IESSEN
C/O TRUSTEES SAUNDERS MARTENSSEN FT
2225 VISTA LARGA NE
ALBQ., NH 07106-3731

711 Amherst St
Albq., NH 07106

JAMES SCOTT
HEIDI FLEISCHMAN
1513 CORNELL NE
ALBQ., NH 07106-3703

711 Amherst St
Albq., NH 07106

STEVE MAZEL
GILLIAN MAZEL
1507 CORNELL NE
ALBQ., NH 07106

711 Amherst St
Albq., NH 07106

SAMUEL HODDER
1419 CORNELL DR NE
ALBQ., NH 07106-3701

711 Amherst St
Albq., NH 07106

1505 Cornell LLC
3922 Kingswood Rd
Sherman Oaks, CA
91403-5029

711 Amherst St
Albq., NH 07106

MARGARET HART STEBBINS
ERIC STEBBINS
2212 VISTA LARGA NE
ALBQ., NH 07106

711 Amherst St
Albq., NH 07106

DAVIS-
DAVIS-
DAVID WESTLAKE & NOEL WESTLAKE-
2207 VISTA LARGA NE
ALBQ., NH 07106

711 Amherst St
Albq., NH 07106

BRIAN JUDSON, SARA HAIT & TIMOTHY
2213 VISTA LARGA NE
ALBQ., NH 07106

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 15 days prior to the hearing to 15 days after the hearing.

Applicant/Agent Signature _____  _____ **date** Feb 2, 2026

Sign(s) were issued for the property located at 2212 Vista Larga NE

D) PUBLIC COMMENTS

April 10, 2026

Zoning Hearing Office

RE: 2212 Vista Larga NE
Zoning: R-1D
Zone Atlas Map: J-16

Dear Zoning Hearing Examiner ,

I am writing to express my opposition to the request for a zoning variance to Table 5-7-1 Maximum Wall Height at 2212 Vista Larga NE, Albuquerque, NM 87106. My objections to this variance are: the wall was built without approval from the city zoning office or any input from the neighborhood, the wall impedes line of sight for both pedestrians and drivers in a heavily traveled pedestrian area, creating a blind turn, the driveway is very short and parked cars do not have enough room to leave the sidewalk clear, the wall is out of character with the other houses' street front facades in a historic neighborhood, and finally, the approval of the variance would encourage other projects to build first, ask for permission and a variance after the fact. I do recognize the homeowner's desire for security and privacy, however the safety issue on a blind curve for both drivers and pedestrians takes precedence over this. I believe the homeowner should either shorten the wall or move the wall back to the prescribed distance from the street, so that wall is in compliance with the zoning. I ask that the city deny the approval of this variance.

Respectfully,

Catherine Darcey Squire
1519 Cornell Dr NE
Albuquerque NM 87106

darciabeena@gmail.com

darcey70@yahoo.com

505-228-5291 cell

Naji, Leslie

From: Paula Hensley <plh321@gmail.com>
Sent: Wednesday, March 11, 2026 12:09 AM
To: Planning ZHE
Subject: variance proposal for 2212 Vista Larga Dr NE

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

Report Suspicious

Re: Case numbers VA-2026-00016 and MZP-2026-00007 for 2212 Vista Larga Dr NE, ABQ 87106
Hello,

I am a neighborhood property owner and live near the above referenced home and was therefore notified of a hearing on a request for Variance scheduled for 3/17/26. I am writing to respectfully voice my opposition to granting a variance for this fence, which violates the setback standard. In violating the standard, it creates a hazard for pedestrians using the sidewalk; I have repeatedly observed cars parked in the property's driveway extending into the sidewalk.

While I appreciate the owners' desire to extend the yard, they knew the drawbacks of the lot shape when they purchased the home. To build a fence that clearly violates the rules shows disregard for the neighbors and historical significance of the neighborhood. I feel that building an ugly fence that clearly violates the setback standard and then asking for permission is just wrong.

Thank you for considering my opinion. I plan to attend the hearing as well.

Sincerely,
Paula Hensley
1413 Cornell Dr NE ABQ 87106
plh321@gmail.com

From: [James Scott](#)
To: [Planning ZHE](#)
Subject: MZP-2026-00007, VA-2026-00016 and VA-2026-00041
Date: Monday, April 13, 2026 6:14:53 PM
Attachments: [OOzqqEYT6x6nYtB4.png](#)

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

[Report Suspicious](#)

1513 Cornell Drive NE
Albuquerque, NM 87106
April 13, 2026

Zoning Hearing Examiner
City of Albuquerque
RE: Case Number MZP-2026-00007, VA -2026-00016, and VA-2026-00041
2212 Vista Larga Drive NE, Albuquerque, NM 87106

We are James Scott and Heidi Fleischmann. We reside at 1513 Cornell Drive NE, Albuquerque, NM 87106. Presumably because we live within 100 feet of the property, we received a notice from Strata Design LLC, on behalf of the homeowners, requesting an after the fact variance for a nonpermitted wall at their residence. There was an accompanying Official Public Notification from the city, as well as a Public Notice of a hearing with the Zoning Hearing Examiner on March 17. The date was subsequently changed to April 21. The notice stated that written comments may be submitted up to 6 days before the hearing. This is our response to the variance request.

We are opposed to the variance, in fact, we are opposed to the entire wall as it exists. It is not in compliance with zoning regulations with respect for height and setback. NO Permit or Variance was obtained before the construction, nor was there consultation with neighbors. The wall creates a blind spot for auto, bicycle and pedestrian traffic, creating a safety hazard. An indentation in the midportion of the wall creates a parking space, which as currently used, partially blocks the sidewalk (see photo). Permitting this variance/permit after construction would set a bad precedent, so that other such fences could easily follow.

The following explains our reasoning for these objections.

For an application Variance-ZHE to be approved, all five criteria must be met (Integrated Development Ordinance (IDO 6-6(0)a)).

1. There are special circumstances applicable to the lot which are not self-imposed.
2. If it is not contrary to public safety, health and welfare.

3. It does not cause significant material adverse impacts on surrounding properties.
4. It does not undermine the intent of the IDO.
5. It is the minimum necessary to avoid extreme hardship or practical difficulties.

For the following reasons the wall does not meet these conditions.

1. Special circumstances. Usability is not a special circumstance. The house and lot are not uniquely different than others in the neighborhood. The Homeowners (HOs) knew the back yard was small when they bought the property. No lot features prevent them from using a complaint 3 ft wall or code complaint alternative, such as a courtyard wall.
2. The location of the wall is along a curve (a somewhat elongated corner) in the road. It creates a blind spot. The wall impedes visibility for pedestrians from oncoming traffic, and vice versa, prevents motorists from seeing pedestrians, creating a safety hazard. Our neighborhood gets heavy use from pedestrians and bicycles to and from the golf course with its 2-mile walking/running/dog walking course, and to and from buildings in the north campus area. Cyclists can exit the bike trail on Indian School, then ride through the neighborhood to get to work or school. In addition, the wall has an indentation at the north end of an old driveway. It is being used for off street car parking. Unfortunately, some parked cars block full use of the sidewalk impeding use by wheeled objects, such as wheelchairs, scooters and skateboards.
3. The wall creates negative visual impacts on the surrounding neighborhood. It is definitely an outlier and changes the character of the neighborhood.
4. The IDO and Comprehensive plan prioritize open, safe pedestrian friendly sidewalks and streetscapes in residential areas. A 6 foot opaque wall undermines that intent.
5. There is no extraordinary hardship. The HOs can comply with the 3 foot standard or apply for a courtyard exception with a 10 foot setback or another applicable setback. Removal of the wall should not be a great hardship, since it is of wooden construction and was built without Permit or Variance. The fencing material can be reused for the new wall or other uses.
6. No prior permission was obtained. There was no consultation with the city or neighbors. This is an example of **Build first, Ask permission later**. An **after the fact** approval of this wall would set a precedent of not following due process and zoning regulations when making significant changes to a property.

We live is a designated historic neighborhood where setbacks and house designs prioritize the vision of the developers and the city. This wall does not comply with that vision.

The HOs cite security concerns. This is a low crime area. The IDO and Comprehensive Plan favor an 'eyes on the street' approach. They have a well-developed framework on how security can be achieved in residential areas. High walls at curbside are not a part of that plan. High walls actually create concealed areas and eliminate the possibility of passersby,

neighbors and patrol officers to see activity on or near the property. This wall is an egregious outlier in the neighborhood and should not be permitted. If every homeowner who wanted more private space built such a wall first and asked for permission afterward, approval of this wall would set a terrible precedent. We could end up living in a neighborhood of walled fortresses.

We certainly understand the HO's desire for more private space. This wall is just too much. A permitted code compliant wall/fence would be a suitable alternative,

James Scott

Heidi Fleischmann



**Letter of Support for Variance Requested for
2212 Vista Larga Avenue NE**

Date: Date: March 26, 2026

To: Zoning Hearing Examiner
City of Albuquerque
Planning Department
600 2nd St NW
Albuquerque, NM 87102

Dear Zoning Hearing Examiner:

I am writing to support the variance requested by my neighbors, Eric and Margaret Stebbins, for a fence at their home at 2212 Vista Larga Ave NE, Albuquerque NM 87106.

Sincerely,

A handwritten signature in black ink that reads "John A. Craig". The signature is written in a cursive style with a large, stylized initial "J".

John Craig
2200 Vista Larga Ave NE
Albuquerque NM 87106

**Letter of Support for Variance Requested for
2212 Vista Larga Avenue NE**

Date: Date: March 26, 2026

To: Zoning Hearing Examiner
City of Albuquerque
Planning Department
600 2nd St NW
Albuquerque, NM 87102

Dear Zoning Hearing Examiner:

I am writing to support the variance requested by my neighbors, Eric and Margaret Stebbins, for a fence at their home at 2212 Vista Larga Ave NE, Albuquerque NM 87106.

Sincerely,



David K Westlake & Noel C Davis-Westlake
2207 Vista Larga Ave NE
Albuquerque NM 87106

**Letter of Support for Variance Requested for
2212 Vista Larga Avenue NE**


Date: Date: March 26, 2026

To: Zoning Hearing Examiner
City of Albuquerque
Planning Department
600 2nd St NW
Albuquerque, NM 87102

Dear Zoning Hearing Examiner:

I am writing to support the variance requested by my neighbors, Eric and Margaret Stebbins, for a fence at their home at 2212 Vista Larga Ave NE, Albuquerque NM 87106.

Sincerely,


Shanti Randall

Shanti D Randall
2219 Vista Larga Dr NE
Albuquerque NM 87106

**Letter of Support for Variance Requested for
2212 Vista Larga Avenue NE**

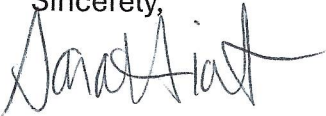
Date: Date: March 24, 2026

To: Zoning Hearing Examiner
City of Albuquerque
Planning Department
600 2nd St NW
Albuquerque, NM 87102

Dear Zoning Hearing Examiner:

I am writing to support the variance requested by my neighbors, Eric and Margaret Stebbins, for a fence at their home at 2212 Vista Larga Ave NE, Albuquerque NM 87106.

Sincerely,



2213 Vista Larga Ave NE
Albuquerque NM 87106

**Letter of Support for Variance Requested for
2212 Vista Larga Avenue NE**

Date: Date: March 26, 2026

To: Zoning Hearing Examiner
City of Albuquerque
Planning Department
600 2nd St NW
Albuquerque, NM 87102

Dear Zoning Hearing Examiner:

I am writing to support the variance requested by my neighbors, Eric and Margaret Stebbins, for a fence at their home at 2212 Vista Larga Ave NE, Albuquerque NM 87106.

Sincerely,



Steve and Gillian Mazer
1507 Connell Dr NE
Albuquerque NM 87106

**Letter of Support for Variance Requested for
2212 Vista Larga Avenue NE**

Date: Date: March 26, 2026

To: Zoning Hearing Examiner
City of Albuquerque
Planning Department
600 2nd St NW
Albuquerque, NM 87102

Dear Zoning Hearing Examiner:

I am writing to support the variance requested by my neighbors, Eric and Margaret Stebbins, for a fence at their home at 2212 Vista Larga Ave NE, Albuquerque NM 87106.

Sincerely,



Samuel W. Hodder
1419 Connell Dr NE
Albuquerque NM 87106

**Letter of Support for Variance Requested for
2212 Vista Larga Avenue NE**

Date: Date: March 25, 2026

To: Zoning Hearing Examiner
City of Albuquerque
Planning Department
600 2nd St NW
Albuquerque, NM 87102

Dear Zoning Hearing Examiner:

I am writing to support the variance requested by my neighbors,
Eric and Margaret Stebbins, for a fence at their home at 2212
Vista Larga Ave NE, Albuquerque NM 87106.

Sincerely,



Christiane Cuse
1505 Cornell LLC
1505 Cornell DR NE
Albuquerque NM 87106

**Letter of Support for Variance Requested for
2212 Vista Larga Avenue NE**

Date: Date: April 1, 2026

To: Zoning Hearing Examiner
City of Albuquerque
Planning Department
600 2nd St NW
Albuquerque, NM 87102

Dear Zoning Hearing Examiner:

I am writing to support the variance requested by my neighbors, Eric and Margaret Stebbins, for a fence at their home at 2212 Vista Larga Ave NE, Albuquerque NM 87106.

I can see the fence from my house and as I walk the neighborhood. It was designed and constructed with care to be consistent with an adjoining property's fence and has beautiful landscaping. It really enhances our neighborhood!

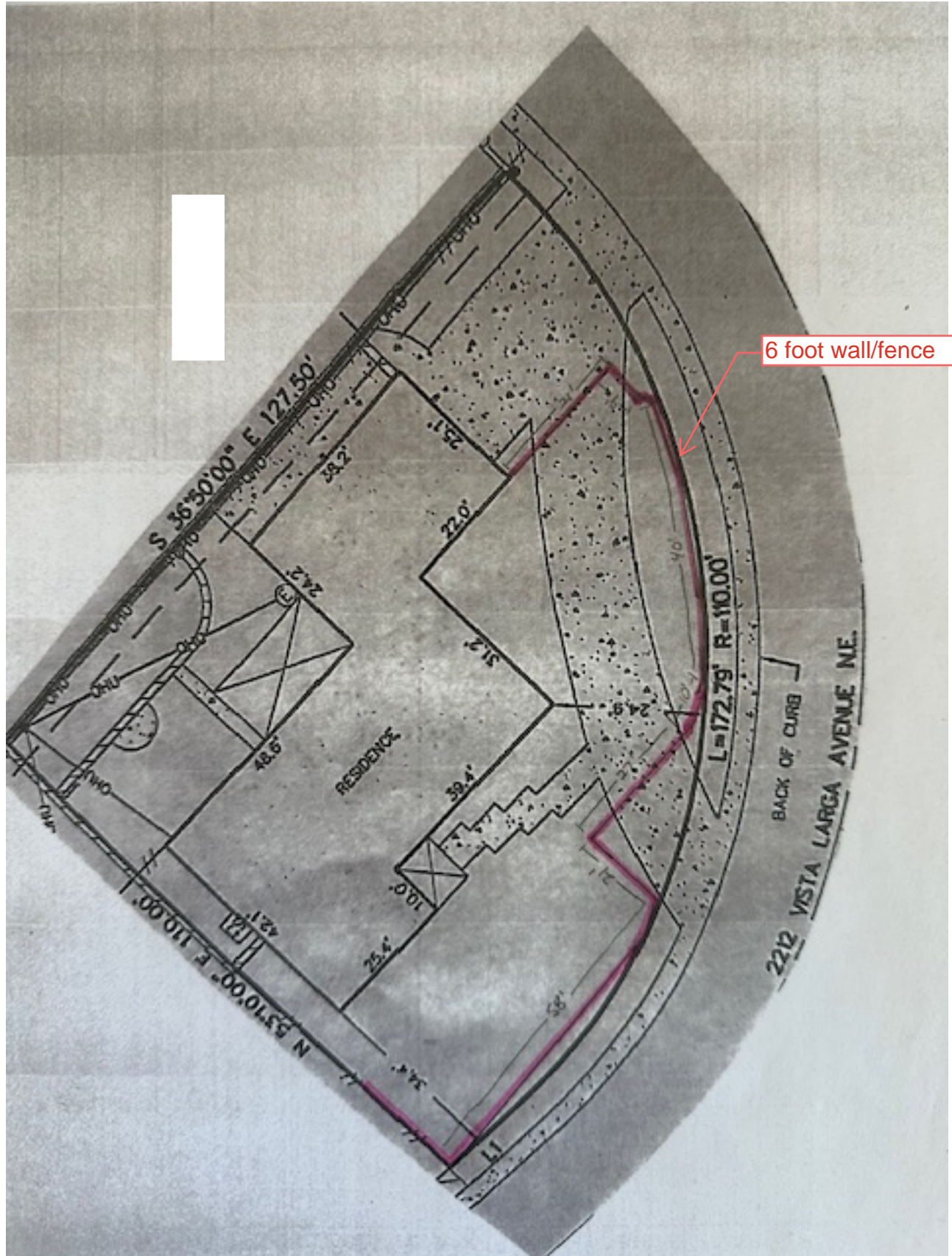
Sincerely,

Mary E. Wommack

2301 Vista Larga Ave NE

Albuquerque NM 87106

E) PROPOSED SITE PLAN



6 foot wall/fence

ZHE MINUTES

AC-26-04

[PR-2026-000088](#) (Project)

[VA-2026-00081](#) (Appeal)

[VA-2025-00016](#) (ZHE – Variance)



Zoning Hearing Examiner Hearing

MINUTES

April 21, 2026

Zoom Hearing

City Staff Present:

Robert Lucero – Zoning Hearing Examiner

Shannon Hally – Principal Planner, Planning Department

Leslie Najj – Principal Planner, Planning Department

Daniel Soriano – Planner, Planning Department

Rachel Miranda – ZHE Hearing Monitor

ZHE-Robert Lucero: Next up are 3 items that will be heard together, and those are Agenda Items 10, 11, and 12. They are MZP-2026-00007, VA-2026-00016, and VA-2026-00041. Eric Stebbins as agent, and Michelle Negrette applicant, I believe those are reversed. Request a Major Zoning Permit for a wall greater than 3 feet in the front side yard setback for lot G1, Block 12, Vista Larga, located at 2212 Vista Larga Drive Northeast, which is zoned R1D, and the same applicant and agent request a variance of 3 feet to the 3-foot wall height in the front yard setback at the same property. The same applicant and agent request a variance to the 50% opacity requirement 4 walls above 3 feet at the same property. Good morning, I see, Ms. Negrette and Mr. Stebbins there, hello.

Michelle Negrette: Hello!

ZHE-Robert Lucero: I'll start with Ms. Negrette. Would you please state your full name and mailing address for the record?

Michelle Negrette: Michelle Negrette, 711 Amherst Southeast, Albuquerque, 87106.

ZHE-Robert Lucero: Thank you, and please raise your right hand. Do you swear or affirm, under penalty of perjury, that your testimony today will be true?

Michelle Negrette: I do.

ZHE-Robert Lucero: Thank you. Let's go next to... Mr. Stebbins, will you be providing testimony as well, sir?

Eric Stebbins: I will, Mr. Lucero.

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

Eric Stebbins: Yes, it's Eric Stebbins at 2212 Vista Larga Avenue NE in Albuquerque 87106.

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

Eric Stebbins: I do.

ZHE-Robert Lucero: Thank you, sir. All right, who'll start us off?

Michelle Negrette: I will.

ZHE-Robert Lucero: Go ahead, ma'am.

Michelle Negrette: Let's see, do I have screen sharing? Okay.

Rachel Miranda, Hearing Monitor: Michelle? Michelle, go ahead and screen share your... it should work now.

Michelle Negrette: Okay, do you see my screen?

Rachel Miranda, Hearing Monitor: I do not see your screen.

Michelle Negrette: I see when I click share, it says share settings, host tools for share. It doesn't have...

Rachel Miranda, Hearing Monitor: Just click share.

Michelle Negrette: Okay...I believe it's sharing... Somebody else's screen that's not mine.

Rachel Miranda, Hearing Monitor: No.

Michelle Negrette: Okay, now I think it's giving me a window that looks familiar. Okay, alright. Now, do you see my screen?

Rachel Miranda, Hearing Monitor: Yes, we see your screen.

Michelle Negrette: Okay, great. Good morning, everyone, I am the agent on behalf of the Stebbins, Stebbins-Heart household. They're requesting a couple of variances for a wall that they constructed in the front of their property without knowing that there was, that it was in conflict with the code. And so, I'm gonna just kind of briefly go through. We're applying for a Wall Permit Major, so this is for this existing fence that you see here. The fence meets the decision requirements for a taller wall, in that there are 20% of low-density development along the 330 feet that also have a front yard wall over 3 feet. It's in keeping with the materials and the height and the landscaping of the area, so you can see some other examples of similar, cedar fencing. It's been professionally constructed, and it meets options 1, 2, and 3 of the articulation and alignment requirements.

And then, because the fence is solid and within the front setback, we need to demonstrate exception, and so, this lot is on a very wide radii corner, and the site also has about a 2-foot increase in topography, and this makes it so that the house was originally sited... I'll go back here, toward kind of the Northeast corner of the lot, and there's a very small area of usable yard, so the fence is being requested to not only provide more usable area and create a courtyard so that they can have animals and security for children, but also to provide safety for a public official that resides here who's had threats of violence in the past, and also threats of violence to the children.

So, the other thing that is of consideration due to the topography is that if a 3-foot fence was placed within the front setback, it would appear, from the street, as either 5 or 6 feet, depending on the grade it was located, because of the topography. So, putting the fence at the property line, adjacent to the street is a very similar impact as it would be if it was set back another 5 feet. So, here's a view of the side of the fence with some landscaping. And this is kind of showing where there are other properties within the area that have that front setback. These are some examples, the top is a, is the house directly across the street, and there's another example of some other walls in the area, and this is the minimum necessary to avoid any hardship. You can see that a large

portion of the front doesn't have the fence, the driveway area is open, this tree area is outside the property, sorry, the fence line. Another tree over here at the entry gate, which is set back from the street as well and so, if the fence was any further back, it would either require a (INAUDIBLE) wall, and would be, the request would be for an even higher wall. So, with that, we conclude. Can you hear me? I'm concluding and standing for any questions.

ZHE-Robert Lucero: Thank you, Ms. Negrette. Let's go, before I comment, let's go to Mr. Soriano from the City Planning. I see he has his hand raised, and let's just get you sworn in on, on this item, since you haven't been sworn in on this item. Daniel Soriano from City Planning, please raise your right hand. Do you swear or affirm under penalty of perjury, that your testimony today will be true?

Daniel Soriano - CABQ Planning: Yes.

ZHE-Robert Lucero: Thank you, sir. Go ahead.

Daniel Soriano - CABQ Planning: Yes, I just wanted to bring it up. There are some technical issues, in regards to staff getting agency comments in. This subject site is within the Vista Larga Historic Residential District, and if it, if you would like, I believe Leslie Naji is on the call, and she can provide some context as to the historical character of the area. If you would like that read into the record.

ZHE-Robert Lucero: Okay, let's see. Ms. Naji, are you there?

Leslie Naji: I am.

ZHE-Robert Lucero: Thank you, this is Leslie Naji from the City Planning Department. If you'd please raise your right hand, and do you swear or affirm under penalty of perjury that your testimony today will be true?

Leslie Naji: I do, thank you.

ZHE-Robert Lucero: Thank you, go ahead.

Leslie Najj: A major concern that we have, and under the ZHE rules for these fences meeting within the Historic Criteria is important, this is not a protected overlay zone; however, it is a registered Historic District, and one of the main criteria that it was talking about in the establishment of this district were the front yards. It is a Mid-Century Historic District, showing an element of time when community engagement, front yards, the connection between neighbors was a very important factor. In terms of American society being developed at this time and so I just, I know that the I want to just pull this up and share, if I can. I don't know if I'm on here for sharing, but...

ZHE-Robert Lucero: Yeah, it looks like it's...

Leslie Najj: Okay, there you go. So, a number of the arguments that the applicant made was, well you couldn't tell where the front yard was. Technically, a front yard goes from, the closest part here that you see here, where it is, and goes straight across. So, the main concern is this area here. They have a fence that goes across here, it goes back to the driveway, it has a fence there, it comes back, and it goes around. The fences that are shown are backyard fences. They are not front yard fences; they are not front walls. There are two properties here on this, the area that can be considered, which is this house does not, it faces this street; this house faces this street. So, we're looking at 1, 2, 3, 4, 5, 6, 7, 8 other houses excuse me, within 330 feet of this property. As you can see, this site is...almost identical, has the same issues. This house does have a wall set back 5 feet, or 10 feet, actually, from the street and it is a small courtyard wall that comes, or it's not small, but it's a courtyard wall, 5 feet, that connects into the house. There is also a very small wall here that actually is a wall, but it's very much built into the house. There are no other front streets, front fences along this entire area.

So, when you put a backyard fence in the front yard of the property. You are one, confusing the nature of the property. There's no evidence that there's this huge height difference, if there was, I would think they could use a smaller fence to get the privacy that is needed. All this area is open. This is a backyard area, as well, and so our concern is for the character of the neighborhood, the safety and security that is provided

by having open spaces, by connecting to your neighbors, which was the key to the time when these houses were built, back in the 50s, 60s. Mostly these were in the early 60s, late 50s, and I'm open for any questions in terms of the, you know, what we're trying to bring apart here. Also, I'll say that we do have the ability to have taller walls; they just have to be set back, and they have to have view fencing at the top so that it doesn't, have an, they either need to be set back, or they have to have the view, and have the view fencing either way, because it's on the front of the property.

ZHE-Robert Lucero: Thank you, Ms. Naji. Okay so, let's just, go to the into the public comment, period now, and then, Ms. Negrette and Mr. Stebbins, you'll have the chance to respond both to Ms. Naji's comments, as well as to any additional public or any public comment. Let's go first, just going in the order they appear on my screen, to Maia Mullen, are you there?

Maia Mullen: I am, and I apologize if I put my camera on. I'm afraid that I'll lose my, my speakers, so I'm not trying to appear rude without my camera.

ZHE-Robert Lucero: No worries. Would you please state your full name and mailing address for the record?

Maia Mullen: Yes, my full name is Maia Mullen. My mailing address is 2400 Hannett Avenue NE, 87106.

ZHE-Robert Lucero: Thank you, and please raise your right hand. Do you swear or affirm under penalty of perjury, that your testimony today will be true?

Maia Mullen: I do.

ZHE-Robert Lucero: Thank you. Go ahead.

Maia Mullen: So, I am the president of the North Campus Neighborhood Association, and I do want to put into the record that our board did meet to discuss, this variance request, and so I do speak on behalf of my neighborhood board. I would like to

comment and support, and second, Mrs. Naji's, historical comments on the amazing character of our neighborhood and the very special quality that we work to maintain within it. As a board, we are sympathetic to the applicant's desire to maximize their experience on their lot, but in this case, we are not comfortable with the height and setback of the wall. Our neighborhood is a walking neighborhood. Aside from not wanting to start a precedent of walling ourselves off, property to property, we are concerned about the street safety that this fence negatively impacts. This property sits on a stretch of Vista Larga that was demonstrated, in Ms. Negrette's, presentation, as well as Ms. Naji's, you could see kind of the interesting horseshoe shape, that this block is.

Vista Larga is short and curved in this area. The property due east of them, on the corner of Vista Larga and Cornell, also has a tall fence that has not been mentioned, and that is part of their side yard. Unfortunately, when you link these two properties together, it creates a long blind corner due to the curve of the street. If you are traveling on the north side of Vista Larga on foot, bike, or even car, your visibility is blocked. Blind sidewalks at corners are simply not safe. So, it would be our preference that either the 10-foot setback for a taller fence would be respected, or that the 3-foot limit, with that shorter 5-foot setback be enforced. So, unfortunately, it is the Neighborhood Association's position that we object to all three of the requests, VA 2026-00007, 16, and 41. Thank you.

ZHE-Robert Lucero: Thank you, Ms. Mullen. Let's go next to Heidi Fleischman, are you there?

James Scott: Yes, we are.

ZHE-Robert Lucero: Oh, good. Thank you. Would you please state your full name and mailing address for the record?

Heidi Fleischman: You can see on the film, it's my husband, James Scott, he was unable to get on his own computer. I don't know if that will provide a problem for you. I can speak if he's not logged in.

ZHE-Robert Lucero: Oh, no, no, that's fine, yeah, go ahead, Mr. Scott, if you'd please state your name and address for the record.

James Scott: My name is James Scott. I live at 1513 Cornell Drive Northeast, in Albuquerque, 87106.

ZHE-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?

James Scott: I do.

ZHE-Robert Lucero: Thank you, sir. Go ahead.

James Scott: Yeah, we've reviewed the documents that the Planning Staff has provided, and also the ones that were provided by Strata on behalf of their clients, and we have a few comments to make, in addition to our previously submitted letter. I mean, Strata justifies the wall by saying 20% of the properties within 100 feet, are, have walls within the front setback. They also state that 20% of the homes within 330 feet have solid walls in the front yard that are 4 feet or taller. I think these statements and the photos they provide are somewhat inconsistent and misleading. Of the two fences that, in the photos, that are made out of wood, and are quite high, 5 feet or so. These are all in side yards, not in the front yards, as they claim. And the additional 7 walls that they show in photos, all of them are basically code compliant. One was, they should, they say is the front yard, but it's actually a side yard, and I just don't think that, you know, there's some problems with that.

I think Vista Larga is, there, I'm sorry, all the other walls that they talk about, the only ones that are wood and are similar, those are our side yards. They've also misstated some of the street names and mislabeled addresses on those photos, and I think the topographical description that they say is in their letter, it is not consistent with what they said today in the hearing. They claim there's a 4-foot elevation, and then today they say it's only 2 feet. I think we understand that security and privacy are important to everyone

who lives in the neighborhood, and whether they are, you know, teachers, retirees, accountants, or non-elected public officials. I don't think that matters. I think what they want in terms of privacy and security can be secured with a compliant, code-compliant wall. And the last thing, we note that all the letters that were generated in support of their variance requests, they're all identical, except for the names and signatures, and they seem to be have been provided by the homeowner, whereas the people that had objected have submitted letters that are thorough and well thought out, and they're all unique. That's all I have to say, thank you.

ZHE-Robert Lucero: Thank you, sir. Ms. Fleischman, would you like to testify as well?

James Scott: No, I, we're in agreement, we're husband and wife, so we're pretty much in agreement, and we, so we oppose all these variances and major permit requests, all three of them.

ZHE-Robert Lucero: Thank you, thank you both.

James Scott: Thank you.

ZHE-Robert Lucero: Let's go next to Catherine Darcy. Are you there?

Catherine Darcy Squire: Yes, yes I am.

ZHE-Robert Lucero: Oh, thank you. Would you please state your full name and mailing address for the record?

Catherine Darcy Squire: My name is Catherine Darcy Squire. I live at 1519 Cornell Drive NE, 87106.

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

Catherine Darcy Squire: I do.

ZHE-Robert Lucero: Thank you, go ahead.

Catherine Darcy Squire: I just would like to reiterate my neighbor, Heidi, and Jim's, disagreement with this variance. I do have a courtyard wall at my house; however, it is set back, and it is, I believe, original to the house. It is a blind corner. We walk our dogs, we have children, and it's just very difficult to see around that corner with that high of a wall, and while I appreciate the homeowners' desire for safety and security, I really feel that the City should not approve these variances, because of the safety issues in the neighborhood, and I appreciate the time that I have to make this comment. Thank you.

ZHE-Robert Lucero: Thank you, thank you for your testimony. Again, for everyone in attendance, these are agenda items 10, 11, and 12 being heard together. We're in the public comment period. If you've not yet spoken and would like to add your comments, please raise your hand. Scrolling through the participants, and I don't see anyone else indicating they'd like to speak. Last call for public comment on Agenda Items 10, 11, and 12. Okay, Ms. Negrette, Mr. Stebbins, would you like to respond to the public comment?

Michelle Negrette: Sure, I appreciate all of the time that people have taken to review the application and to identify the concerns that they have. I think as far as addressing the blind corner situation, because the radius of this site is quite wide, there really isn't a blind corner, and the fence is set back about 5 feet from the sidewalk, so, there's pretty clear sight lines. And the fence doesn't encroach into the driveway area, and so there's a lot of sight lines clear in that space as well. As far as the fact that it appears to be a backyard fence, I think that a lot of the properties in this neighborhood have wood fencing, and yes, it's sometimes on the side yard, and sometimes it's in the front yard. But this kind of fence is an aesthetic fence. It meets the requirements of the walls and fence articulation, and it contributes to the neighborhood in the sense that it's repeating both the material and the character that you can see from standing on the property line and I also appreciate, the information provided by Leslie Naji.

The neighborhood recently received its historic designation, and I think that is a fantastic achievement, especially for mid-century neighborhoods to be recognized; however, a large percentage, as you saw on the map, of these properties have a wall of some sort, that wasn't original to the house, and sometimes it creates a courtyard, sometimes it's a buffer, sometimes it's a trash enclosure. And so there's already a very diverse language of walls in the neighborhood, and because of its proximity to the university and the golf course, I think a lot of residents have seen the need to have additional security through fencing, and so I think that that is part of the character of the neighborhood, and I think, finally, I would like to say that the fence provides a very clean aesthetic, and the landscaping that the property owner has elected to provide is high quality; it will continue to grow and climb the fence and create more of a landscaped look, which is very common in the neighborhood. There's lots of properties that have tall hedges that are probably 8 to 10 feet high in the front yard. So, I think with a little time, this fence will also look much more harmonious. Thank you, and Eric do you have anything to add to that?

Eric Stebbins: Yeah, I'd just like to, and I appreciate all the comments that have been said, but I just want to say that when we first came to the property, we were a little shocked because as we got into it we realized that it's different than most properties in the neighborhood. We have a very small backyard, as been mentioned, and a large portion of our property is really along the street, and it makes use very difficult, especially for our family to gather, for kids to play, and dogs to use the property without bothering our backyard neighbors. And we also really wanted to improve the security. I know people mentioned that security is common to everyone but once you personally, personally had documented with the police, you have a different view towards safety and people approaching your house. In addition, we just want to request to have the same opportunity as other homes in our neighborhood to enjoy our property in a more secure environment. So, thank you, Mr. Lucero.

ZHE-Robert Lucero: Thank you. Thank you, Mr. Stebbins, and thank you, Ms. Negrette. Thank you, everyone who participated, both in person, or I'm sorry, you know, in public testimony today, as well as the written submittals. I did want to note for the record that we did receive the letters that were referenced, both in support and in opposition to the

application. So, I'm going to take everything under consideration and do my best to apply the IDO to the facts in the record, and I will issue a written decision in 15 days. Thank you, everyone.

Eric Stebbins : Thank you.

ADDITIONAL INFORMATION

AC-26-04

[PR-2026-000088](#) (Project)

[VA-2026-00081](#) (Appeal)

[VA-2025-00016](#) (ZHE – Variance)



NOTICE OF APPEAL

May 20, 2026

TO WHOM IT MAY CONCERN:

The Planning Department accepted an appeal on May 18, 2026. 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-26-04
PLANNING DEPARTMENT CASE FILE NUMBER: VA-2026-00016 (ZHE – Variance),
VA-2026-00081 (Appeal)

SUBJECT PROPERTY: 2212 Vista Larga Dr NE, Albuquerque, NM 87106

APPLICANT: Heidi Fleischmann
h.fleischmann@comcast.net

CC: Michelle Negrette, stratadesign.nm@gmail.com
Eric Stebbins, eestebbins@gmail.com
Michael Kious, mikekious@aol.com
Jaemes Shanley, jaemes1@mac.com
Tim Davis, tdavisnm@gmail.com
Maia Mullen, maiamullen@gmail.com
Paula Hensley, plh321@gmail.com
Catherine Squire, darcey70@yahoo.com
Mary E. Wommack, 2301 Vista Larga Ave. NE, Albuquerque, NM 87106
David & Noel Westlake, 2207 Vista Larga Ave. NE, Albuquerque, NM 87106
Shanti Randall, 2219 Vista Larga Dr. NE, Albuquerque, NM 87106
Steve & Gillian Mazer, 1507 Connell Dr. NE, Albuquerque, NM 87106

Samuel Hodder, 1419 Connell Dr. NE, Albuquerque, NM 87106
Sara Hiat, 2213 Vista Larga Ave. NE, Albuquerque, NM 87106
Christiane Cuse, 1505 Cornell Dr. NE, Albuquerque, NM 87106
John Craig, 2200 Vista Larga Ave. NE, Albuquerque, NM 87106
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ZHE File