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City of Albuquerque

Planning Department

Timothy M. Keller, Mayor

Interoffice Memorandum

June 25, 2026

To: Klarissa J. Peña, President, City Council

From: Alan Varela, Director, Planning Department *AV*

Subject: AC-26-06 [MZP-2026-00035]: Jolynn Maestas (“Appellant”) appeals the Zoning Hearing Examiner’s decision to APPROVE a Permit – Wall/Fence – Major on the front property line for the property located at 637 Solar Rd NW, zoned R-1 [MZP-20026-00019]

OVERVIEW

On April 21, 2026, property owner Taylor Tanquary (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a Permit – Wall/Fence – Major to construct a 4-foot view fence on the front property line for the property located at 637 Solar Rd NW.

The ZHE approved the Applicant’s requests in a written decision dated May 6, 2026.

The Appellant timely filed an appeal of the ZHE’s decisions prior to the appeal deadline of May 21, 2026. The Appellant claims to have standing to appeal the decision as a property owner within 100 feet of the subject property who made an appearance of record.

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 14 and 18 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.

“Finding 14(a)(3) of the NOD quotes IDO Section 14-16-6-6(H)(3)(a) as stating: ‘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 is totally UNTRUE. In fact, there is NOBODY along the entire length of Solar Road (not even walls separating property lines) that has a fence or wall taller than three feet within twenty feet of the street curb.”

Finding #14 restates the review and decision criteria for a Major Zoning Permit – Tall Wall/Fence [IDO § 14-16-6-6(H)(3)(a)], which is satisfied if the request meets any (at least one) of criteria (a)(1-4).

Finding #17: “The wall is proposed on a lot that meets Criterion 1A, being at least ½ acre.”

While the appellant is correct that there are no fences in the front yards of Solar Rd., that is only one of four criteria that can apply. Finding #17 asserts that the subject site meets criterion 1.

Staff notes that at the time the application was accepted as complete, criterion 3 referred to at least 20 percent of properties within 330 feet having a front yard wall or fence over 3 feet. That percentage changed to 10 percent on April 20, 2026, but the application is subject to the IDO in effect when the application was accepted as complete, which was prior to April 20, 2026 [IDO § 14-16- 1-7(C)(4)].

“Finding 14(b) of the NOD quotes IDO Section 14-16-6-6(H) as stating: ‘the proposed wall would strengthen or reinforce the architectural character of the surrounding area.’ While this is certainly a judgement decision, the fact is that this is the only vacant lot along the entire length of Solar Road and the only property with any such type of fence. Having a metal fence along the 100’ +/- frontage of Solar Road is certainly not consistent with the ‘surrounding area.’ I suggest that it does NOT strengthen the character of this historic neighborhood.”

The subject site currently has 3-foot-tall wooden posts with rope spanning the posts along the front property line. The proposed fence will be open wire between metal poles. The ZHE found that the proposed fence would strengthen or reinforce the architectural character of the surrounding area.

“Finally: in Finding no. 18 on page three of the NOD, Mr. Tanqueray apparently stated that this fence will not interfere with pedestrian traffic. While technically true, Mr. Tanqueray failed to mention that there is NO SIDEWALK present on any street within the Lee Acres

subdivision, Solar Road included. ALL pedestrians, bicyclists, roller bladers, baby strollers, equestrians, etc. MUST use the paved street within the striped and designated bicycle lane for access along Solar Road.

Finding #18: “Based on evidence presented by Applicant, the proposed wall would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community. Specifically, Applicant agreed that the fence would be entirely view fencing not to exceed 4”-feet in height. Although opponents raised concerns regarding pedestrian traffic, Applicant testified that the fence would be set back far enough [40-inches from the street] to not impede pedestrian traffic.”

“Fifth: Finding 14(d) of the NOD requires that ‘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), Subsection 14-16-5-7(E)(3) (Wall Design), and (subsection 2): the design and materials proposed for the wall or fence shall reflect the architectural character of the surrounding area.’ While I don’t object to the design of the fence at all, my ONLY objection is the location of the fence as it relates to the distance from the street. If the front of the fence was at, or behind the front of the houses, then no problem. With the location adjacent to the street, this creates a sight-distance problem for the adjacent driveway at 647 Solar Road.”

Finding #20: “Based on evidence presented by Applicant, the design of the wall complies with any applicable standard in Section 14-16-5-7 (Walls and Fences), including, but not limited to Subsection 14-16-5-7(E)(2) (Articulation and alignment) and Subsection 14-16-5-7(E)(3) (Wall Design), and all of the following: (1) The wall or fence shall not block the view of any portion of any window on the front façade of the primary building when viewed from 5 feet above ground level at the centerline of the street in front of the house; and (2) The design and materials proposed for the wall or fence shall reflect the architectural character of the surrounding area.”

The Applicant agreed that the fence would be view fencing not to exceed 4-feet in height. Although opponents raised concerns regarding pedestrian traffic, the Applicant testified that the fence would be set back far enough to not impede pedestrian traffic.

Transportation comments from the Planning Department stated no objections to the proposed fence.

CONCLUSION

The Applicant requested the Permit – Wall/Fence – Major for a 4-foot wall in the front yard. The Applicant stated the fence was needed to secure an animal. The Appellant appealed the Permit – Wall/Fence – Major. The Zoning Hearing Examiner approved the Variance based on 20 findings in the Notice of Decision.

/ Leslie Naji /
Leslie Naji, Principal Planner
City of Albuquerque Planning Department



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

Taylor Tanqueray (Applicant) requests a Major Wall-Fence Permit to construct a 5-foot view fence on the front and side property line for Lot 4 Block B Lee Acres Subdivision Continuous, for a property located at 637 Solar Rd NW zoned R1-D, IDO Section 14-16-5-7(D)(3)(a)(2), Table 5-7-2

Special Exception No: **MZP-2026-00019**
Project No:.....
Hearing Date:..... 04-21-26
Closing of Public Record: 04-21-26
Date of Decision: 05-06-26

On April 21, 2026, Taylor Tanqueray, (“**Applicant**”) was scheduled to appear before the Zoning Hearing Examiner (the “**ZHE**”) requesting a Permit-Wall or Fence-Major (“**Application**”) upon the real property located at 637 Solar Rd NW. (the “**Subject Property**”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a Permit-Wall or Fence Major, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“IDO”) Section 14-16-6-6(H).
2. Applicant has authority to pursue this Application, pursuant to 14-16-6-4(D).
3. Applicant is not required to offer a meeting with Indian Nations, Tribes, and Pueblos before filing the application, pursuant to IDO Section 14-16-6-4(B).
4. The Planning Director’s delegee has determined that the Application is complete,
5. pursuant to IDO Section 14-16-6-4(H).
6. The analyses and studies listed in IDO Section 14-16-6-4(H) are not required.
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 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 within the R-1 zone with a street facing fence height maximum of 3 feet.

13. Therefore, a 5 ft wall on the Subject Property requires a Permit-Wall or Fence Major Approval pursuant to IDO Subsection 14-16-6-6(H).
14. IDO Section 14-16-6-6(H)(3) (Review and Decision Criteria for a Permit-Wall or Fence-Major) reads: “*An application for a Permit – Wall or Fence - Major shall be approved if the following criteria are met:*
 - (a) *The wall is proposed on a lot that meets any of the following criteria:*
 1. *The lot is at least ½ acre.*
 2. *The lot fronts a street designated as a collector, arterial, or interstate highway.*
 3. *For a front yard wall taller than allowed in Table 5-7-1, at least 20 percent of the properties with low-density residential development with a front yard abutting the same street as the subject property and within 330 feet of the subject property along the length of the street the lot faces have a front yard wall or fence over 3 feet. This distance shall be measured along the street from each corner of the subject property's lot line, and the analysis shall include properties on both sides of the street.*
 4. *For a street side yard wall taller than allowed in Table 5-7-1, at least 20 percent of the properties with low-density residential development with a side yard abutting the same street as the subject property and within 330 feet of the subject property along the length of the street the lot faces have a street side yard wall or fence over 3 feet. This distance shall be measured along the street from each corner of the subject property's lot line, and the analysis shall include properties on both sides of the street.*
 - (b) *The proposed wall would strengthen or reinforce the architectural character of the surrounding area.*
 - (c) *The proposed wall would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community.*
 - (d) *The design of the wall complies with any applicable standards in Section 14-16-5-7 (Walls and Fences), including but not limited to Subsection 14-16-5-7(E)(2) (Articulation and Alignment), Subsection 14-16-5-7(E)(3) (Wall Design), and both of the following criteria:*
 1. *The wall or fence shall not block the view of any portion of any window on the front façade of the primary building when viewed from 5 feet above ground level at the centerline of the street in front of the house.*
 2. *The design and materials proposed for the wall or fence shall reflect the architectural character of the surrounding area.*
15. There has been some opposition to the request from neighbors.
16. Applicant appeared at the April 21, 2026 ZHE hearing on the Application and gave evidence in support of the Application.
17. The wall is proposed on a lot that meets Criterion 1A, being at least ½ acre.
18. Based on evidence presented by Applicant, the proposed wall would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community. Specifically, Applicant agreed that the fence would be entirely view fencing not to exceed 4-feet inn

height. Although opponents raised concerns regarding pedestrian traffic, Applicant testified that the fence would be set back far enough to not impede pedestrian traffic.

19. Although opponents argued that private covenants prohibit fences such as that proposed by Applicant, the City does not enforce private covenants, which are private agreements among private parties.
20. Based on evidence presented by Applicant, the design of the wall complies with any applicable standard in Section 14-16-5-7 (Walls and Fences), including, but not limited to Subsection 14-16-5-7(E)(2) (Articulation and alignment) and Subsection 14-16-5-7(E)(3) (Wall Design), and all of the following: (1) The wall or fence shall not block the view of any portion of any window on the front façade of the primary building when viewed from 5 feet above ground level at the centerline of the street in front of the house; and (2) The design and materials proposed for the wall or fence shall reflect the architectural character of the surrounding area.

DECISION:

APPROVAL WITH CONDITIONS of a Permit-Wall or Fence-Major.

CONDITIONS OF APPROVAL

1. The fence shall have a height not to exceed 4 feet in height. (Based on agreement with Applicant)
2. The applicant is responsible to acquire all necessary permits, and approval is contingent upon, all applicable permits and related approvals.
3. Fence placement shall meet all required clear sight triangle criteria and must not impede pedestrian traffic.

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

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.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This Notice of Decision does not constitute approval of plans for a building permit. If your Application is approved, bring this Notice of Decision with you when you apply for any related building permit or occupation tax number. Approval of a Conditional Use is void after two (2) years from date of approval if the rights and privileges granted thereby have not been executed or utilized. Approval of a Variance is void

after one (1) year from date of approval if the rights and privileges granted thereby have not been executed or utilized.



Robert Lucero, Esq.
Zoning Hearing Examiner

cc: Taylor Tanquary, Applicant, tstanq@yahoo.com
Jolynn Maestas, interested party, jolynnmaestas@gmail.com
Jolene Maestas, 647 Solar Rd NW
Carolyn Rodriguez, 704 Solar Rd NW
Dr Richard Rodriguez, 704 Solar Rd NW
Mary Beth Schubauer, 837 Fairway Rd, Albuquerque, NM 87107
ZHE File
Zoning Enforcement

APPEAL APPLICATION

AC-26-06

PR-2026-000089 (Project)

[MZP-2026-00035](#) (Appeal)

[MZP-2026-00019](#) (ZHE – Wall/Fence – Major)

APPEAL JUSTIFICATION

May 19, 2026

TO: City of Albuquerque
OFFICE OF ADMINISTRATIVE HEARINGS
ZONING HEARING EXAMINER (ZHE)

FROM: JOLYNN MAESTAS
650 SOLR ROAD NW
ALBUQUEQUE, NM 87107

RE: **APPEAL OF DECISION**; **Special Exemption No. MZP-2026-00019**
Violation of IDO Section 14-16-5-7(D)(1)

This letter is to APPEAL the May 6, 2026 “Notification of Decision” for the referenced Special Exemption Request for a Fence Major submitted by Taylor Tanqueray at 637 Solar Road N.W. I live at 650 Solar Road N.W directly across the street from the proposed fence (which was mostly constructed without approval before the applicant applied for either a fence permit or an exception), I am also representing my elderly widowed mother (91 years old) who lives adjacent (west of) to the property owned by Mr. Tanqueray where the fence permit and exception are requested. As my mother has dementia and still lives in the house at 647 Solar Road, I have legal guardianship of my mother. As such, **I have legal standing to file an appeal per Section 14-16-6-4-(U)(2)(a)5 of the City’s Integrated Development Ordinance (IDO)**; and I represent both **(two)** property owners located within 100 feet of the proposed fence.

I am appealing against the Notification of Decision (NOD) on several grounds **based upon vehicular, pedestrian, and bicycle safety concerns**; misinformation, or lack of important information, provided by Mr. Tanqueray; and erroneous conclusions made by the Zoning Hearing Officer based upon lack of knowledge of this specific location.

My appeals are as follows:

First: I object to any variance or exception to the three-foot maximum fence height requirement as outlined in the new Integrated Development Ordinance (IDO) when it impacts safe sight distance to adjacent neighbor’s driveway. The City of Albuquerque has spent an extensive amount of time, effort, and money developing the new IDO to protect existing neighborhoods while also encouraging increased housing density. Section 14-16-5-7(D)(1), Table 5-7-1, clearly states that the maximum height of a wall in the front yard of a residential lot shall not be more than three (3) feet tall. This is not an arbitrary reason for this standard. The American Association of State Highway and Transportation Officials (AASHTO) green book, which is an adopted City of Albuquerque design standard, specifies the design standard for a passenger vehicle at 3.5 feet (3 feet-6 inches) for intersections, vertical curves, and sight distance calculations. This is a very liberal standard as some research indicates that as much as 25% of modern vehicles have lower driver’s eye height. Therefore, keeping walls and

fence heights below three feet tall provides better visibility for drivers, pedestrians, and all other road users; as well as providing a more aesthetic neighborhood. **The IDO is correct in establishing this 3' tall standard for safety** and aesthetic reasons. **Why approve such a change to an Ordinance that is only a few months old and is unnecessary?**

Secondly: Finding 14(a)(3) of the NOD quotes IDO Section 14-16-6-6(H)(3)(a) as stating: “For a front yard wall taller than allowed in Table 5-7-1, at least 20 percent (NOTE: incorrect – it is actually 10 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 is totally UNTRUE. In fact, there is NOBODY along the entire length of Solar Road (not even walls separating property lines) that has a fence or wall taller than three feet within twenty feet of the street curb.** **Did anybody from the City verify this statement, or was this claim made by Mr. Tanqueray??**

Third: Finding 14(b) of the NOD quotes IDO Section 14-16-6-6(H) as stating: “the proposed wall would strengthen or reinforce the architectural character of the surrounding area.” While this is certainly a judgement decision, the fact is that this is the **only vacant lot along the entire length of Solar Road** and the only property with any such type of fence. **Having a metal fence along the 100'+/- frontage of Solar Road is certainly not consistent with the “surrounding area”.** **I suggest that it does NOT strengthen the character of this historic neighborhood.**

Fourth: Finding 14(c) of the NOD quotes IDO Section 14-16-6-6(H)(b) as stating: “the proposed wall would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community.” **This is the MOST SERIOUS objection to this proposed (partially constructed) fence.**

My mother has lived at 647 Solar Road since 1969; and her property has a long, narrow double car driveway leading to a detached two-car garage near the rear of her lot. This driveway is only five feet from, and parallel to, Mr. Tanqueray’s adjacent property boundary where this fence has been partially constructed. Although my mother currently does not drive anymore due to her health, she receives many visitors throughout each week. Every visitor must drive into her driveway and back out in reverse when leaving. Parking in the street is not allowed, as I have been informed that it is illegal to park in a designated and striped bicycle lane.

When backing out of the driveway in reverse, the driver of many vehicles is somewhere between 15 and 20 feet from the rear of the vehicle. Therefore, the driver’s sight distance is blocked within 20 feet of the street curb once the rear of the vehicle enters the bicycle lane. At a speed limit of 30 mph, the sight triangle distance along Solar Road is 290 feet according to the AASHTO “Roadside Design Guide”. However, this distance must be increased due to the horizontal curve in Solar Road starting near my mother’s driveway. Mr. Tangueray failed to mention in his application that 647 Solar Road, which is on the north side of Solar Road, is on the inside of this horizontal curve alignment in Solar Road.

My primary objection to the fence that Mr. Tanqueray has already partially constructed is safety for anybody backing their vehicle out of my mother's driveway at 647 Solar Road and the potential of a collision with someone driving, walking, or riding westbound along Solar Road. Please refer to attached pictures showing the view of the partially constructed fence taken from an approximate driver's position of a vehicle backing out of my mother's driveway.

Fifth: Finding 14(d) of the NOD requires that "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), Subsection 14-16-5-7(E)(3) (Wall Design), and (subsection 2): the design and materials proposed for the wall or fence shall reflect the architectural character of the surrounding area". While I don't object to the design of the fence at all, my ONLY objection is the location of the fence as it relates to the distance from the street. If the front of the fence was at, or behind the front of the houses, then no problem. With the location adjacent to the street, this creates a sight-distance problem for the adjacent driveway at 647 Solar Road. Again, see attached pictures.

Finally: in Finding no. 18 on page three of the NOD, Mr. Tanqueray apparently stated that this fence will not interfere with pedestrian traffic. While technically true, Mr. Tanqueray failed to mention that there is NO SIDEWALK present on any street within the Lee Acres subdivision, Solar Road included. ALL pedestrians, bicyclists, roller bladers, baby strollers, equestrians, etc. MUST use the paved street within the striped and designated bicycle lane for access along Solar Road.

Mr. Tanqueray has indicated that his proposed fence is "transparent". In a November 28, 2025 letter to the City of Albuquerque's Planning Department, I spelled out the dimensions of the wire fencing fabric proposed by Mr. Tanqueray. In a rough hand-drawn sketch submitted to the City with his request for a special exception, Mr. Tanqueray sketched what appears to be a three or four strand wire fence. In fact, the fencing fabric he is proposing is a series of welded wire panels with openings 2" wide by 4" tall and a wire diameter of 3/16". This calculates to approximately 600 of these 3/16" wide vertical wires within a 100 foot road frontage of Solar Road. With the 3"x3" fence posts already installed at a 10' spacing, and the addition of 600 vertical wires, this totals to **almost 12 feet of total opaque fencing when viewed from a vehicle backing out of my mother's driveway.** This does not include a top rail or gate that I also expect to be constructed. Due to the skewed angle of the roadway, and the length of the fence, it will be very difficult for a vehicle backing out of my mother's driveway to visibly see a vehicle or pedestrian over the (now apparently agreed) four-foot-high fence. While many pedestrians and vehicles may be over four feet tall, the driver's height of a standard economy car is not nearly that tall. While the fence may appear to be "transparent" when viewed perpendicular to the fencing fabric, it becomes almost opaque when viewed from my mother's driveway 15 or 20 feet from the curb. **Again, please refer to the attached pictures. I encourage you to view the site to confirm what I have stated herein.**

The three pictures attached were taken approximately 20 feet from the street curb in my mother's driveway. By pure coincidence, a roller blader was fast approaching westbound along Solar Road. This roller blader was very tall, so his head is always visible in the

pictures. However, you can see that his body is almost, if not entirely, invisible, once he enters the area where the existing fence posts along Solar Road are. This visibility will be much worse once the heavy metal fabric is welded onto the posts and the metal top rail is added to the fence.

In conclusion, I am a person who firmly believes that a person has a right to do whatever he/she wants to his/her property so long as it does not interfere with or compromise others. Therefore, I suggest that if Mr. Tanqueray moves the front of his fence along Solar Road to 20 feet from the property line (not the ROW line) and he limits the height of the fence to four feet, I will withdraw any objections to his fence exception application.

It is unfortunate that Mr. Tanqueray was unaware that there are requirements and permits necessary in urban settings, but if he would have simply notified his neighbors of his plans, he could have avoided all of this unnecessary paperwork and delays.

If a permit is approved by the City as currently proposed, I will continue my objection; and will hereby notify my personal attorney of the safety concern that I identified and documented to the City of Albuquerque regarding this NOD if a future accident results from a sight distance problem involving this fence. **The City may be held liable due to their approval of such a fence!**

Sincerely,

Jolynn Maestas
650 Solar Road NW
Albuquerque, NM 87107
505-450-6476

CC: Tim Keller, Mayor, City Of Albuquerque
XXXXX, City Councillor, District X
XXXXXX, Attorney at Law
XXXX, City Attorney
XXXXXX, Director, Risk Management, City of Albuquerque

OneDrive/Personal/Documents/WORD DOCUMENTS/Fence Appeal Letter

Contrary to the Zoning Hearing Examiner's NOE, Findings 14(a)2, 14(a)(3), 14(b), 14(c), 14(d), 18and 20.

Appellant Basis of Standing

May 18, 2026

Both my mother and I live within 100 feet of the property line of 637 Solar Rd NW. I live at 650 Solar Road NW directly across the street from the proposed fence.

I am also representing my elderly widowed mother (90 years old) who lives at 647 Solar Road NW, west of the property owned by Mr. Tanqueray where the fence permit and exception are requested.

As my mother has dementia and still lives in the house at 647 Solar Road, I have legal guardianship of my mother. As such I have legal standing to file an appeal per Section 14-16-4-(U)(2)(a)5 of the City's Integrated Development Ordinance (IDO); and I represent TWO property owners located within 100 feet of the proposed fence.

MATERIALS SUBMITTED TO ZHE

AC-26-06

PR-2026-000089 (Project)

[MZP-2026-00035](#) (Appeal)

[MZP-2026-00019](#) (ZHE – Wall/Fence – Major)



**Zoning
Hearing
Examiner**

**Agenda Number: 21
Case #: MZP-2026-00019
Hearing Date: April 21, 2026**

Staff Report

Agent

Applicant

Taylor Tanquary

Request

Request for tall wall permit, 5ft front fence with 50% opacity, along front property line.

Legal Description

Lot 4 Block B, Lee Acres Subdivision

Address

637 Solar Dr. NW

Size

0.45 acres

Zoning

R-1D

Staff Recommendation

APPROVAL of MZP-2026-00019 based on the Findings and subject to the Conditions of Approval within this report

Principal Planner
Leslie Naji

Summary of Analysis (Project Overview)

The initial request was for a 5-foot view fence along the front property line. The site is a vacant lot connected to the property to the immediate east. The site is 0.45 acres; however, the allowed deviation of 10% places the site at the half acre required for a tall wall permit.

The street is one with no front yard walls or fences. In addition, the properties along the street have no sidewalks between the property lines and the paved road. The applicant has agreed to lower the fence to four feet to lessen the impact on the streetscape.

Staff recommends approval of the Tall Wall permit with the condition of approval being the reduction in height to four feet.

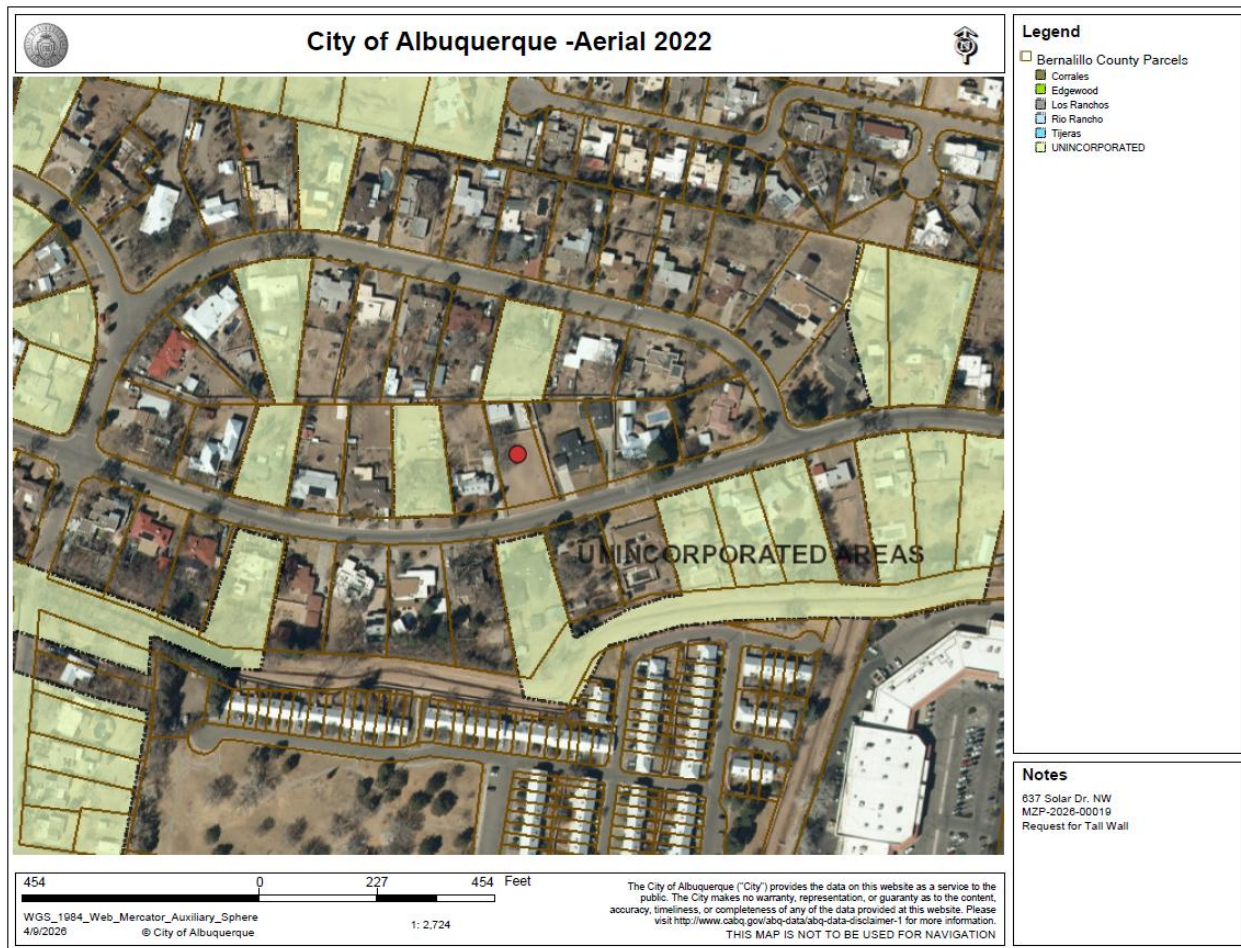
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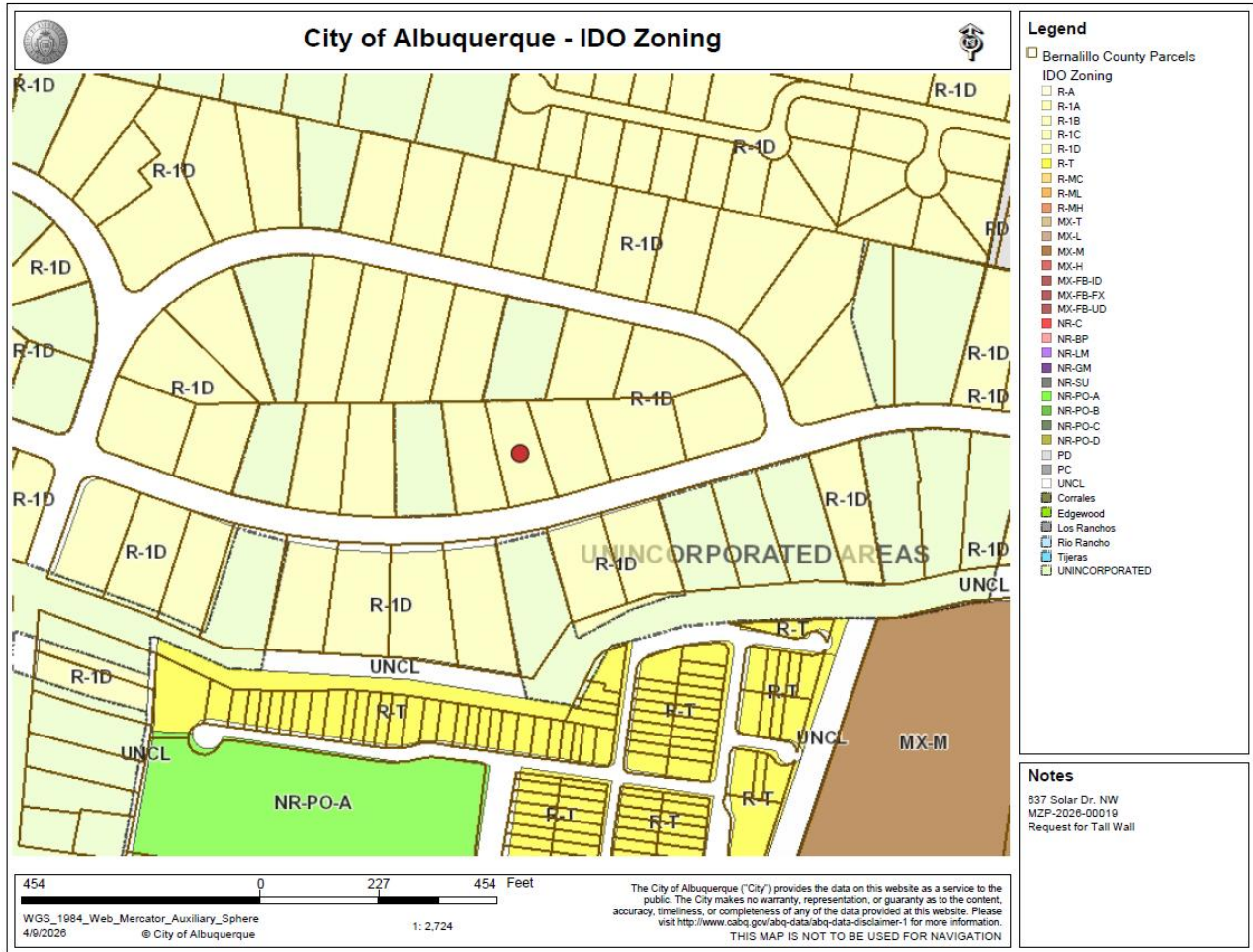
ATTACHMENTS

A) PHOTOGRAPHS A
B) APPLICATION INFORMATION B
C) PROPOSED SITE PLAN C
D) PUBLIC NOTICE D
E) PUBLIC COMMENT E

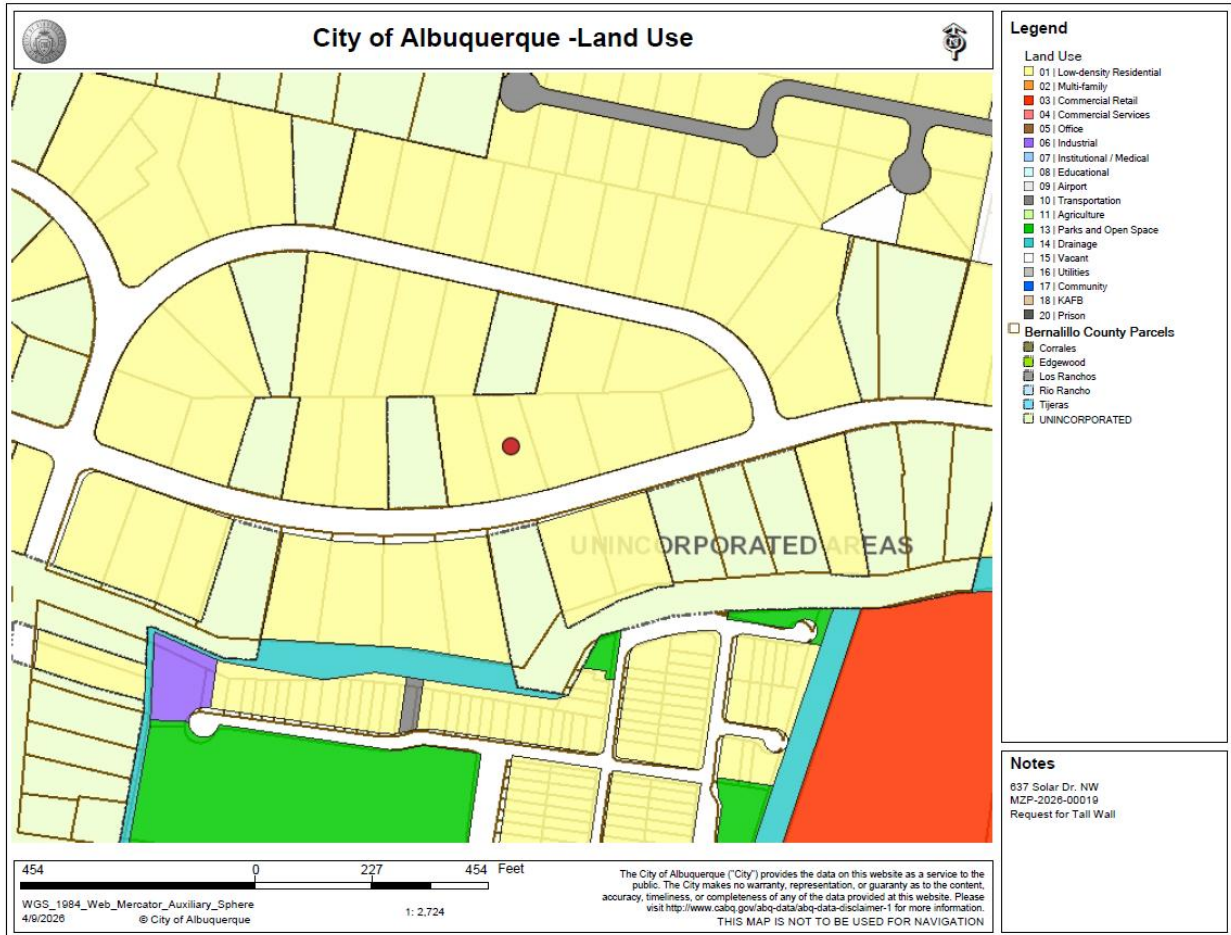
I. Maps
Aerial Map



IDO Zoning Map



Land Use Map



II. Introduction

Request

The request is for a Major Zoning Permit for tall walls along the front property line pursuant to IDO §14-16-6-6(H). Along the front property line, the applicant requests a 4-foot open view fence with extension along the side property lines within the front setback. This project requires a variance to IDO §14-16-5-7(D)(1), Table 5-7-1.

Subject Site Context

	<i>IDO Zoning</i>	<i>Comprehensive Plan Development Area</i>	<i>Existing Land Use</i>
<i>Subject Site</i>	R-1C	Area of Consistency	Vacant
<i>North</i>	R-1C	Area of Consistency	Residential
<i>South</i>	R-1C	Area of Consistency	Residential
<i>East</i>	R-1C	Area of Consistency	Residential
<i>West</i>	R-1C	Area of Consistency	Residential

The residential area on which the property faces is a typical suburban street with open front yards.

Adjacent Street Designations

The front street, Solar Dr NW, is a local road.

Site History / Related Requests

The applicant had previously applied for a small wall permit, SWT-2025-0134. This was disapproved due to need for MZP Tall Wall 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.

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 property is not located within any designated Corridor.

The subject property is not located within a Center designation.

Integrated Development Ordinance (IDO)

IDO Zoning

In May 2018, the Integrated Development Ordinance replaced the City's Zoning Code, and the property's zoning converted from R-1 to R-1C. The purpose of the R-1 zone district is to provide for neighborhoods of low-density residential development with a variety of housing options. 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 and two-family dwellings, with limited civic and institutional uses to serve the surrounding residential area.

Overlay Zones

There are no overlay zones associated with the subject property.

Definitions

Deviation: An exception to IDO standards that can be granted by the relevant decision-making body within thresholds established by Table 6-4-1 or based on criteria for a Waiver for standards in § 14-16-5-3 (Access and Connectivity), § 14-16-5-4 (Subdivision of Land), or § 14-16-5-5 (Parking and Loading) pursuant to § 14-16-6-6(P) (Waiver – DHO) or for standards related to wireless telecommunications facilities pursuant to § 14-16-6-6(Q) (Waiver – Wireless Telecommunications Facility).

Setback: 1. A required distance between a structure and a lot line.

2. On an interior lot, side setbacks shall be followed for all lot lines.

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.

Walls and Fences: IDO Subsection § 14-16-5-7 regulates walls, fences, retaining walls, and vertical combinations of those items (collectively referred to in this Section as “the wall” or “walls”) 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.

IV. Permit – Wall or Fence – Major - MZP-2026-00019

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 14-16-57(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.)
4. For a street side yard wall taller than allowed in Table 5-7-1, at least 20 percent of the properties with low-density residential development with a side yard abutting the same street as the subject property and within 330 feet of the subject property along the length of the street the lot faces have a street side yard wall or fence over 3 feet. This distance shall be measured along the street from each corner of the subject property's lot line, and the analysis shall include properties on both sides of the street. (See figure below for an illustration of this measurement.)

Analysis: The subject property can meet criterion #1 with an applied deviation of 10%. The site is 0.45 acres. With the 10% deviation it become ½ acre.

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

Analysis: The site currently has 3-foot tall wooden posts with rope spanning the posts along the front property line.

The proposed fence will be open wire between metal poles. The proposed fence will neither strengthen nor detract from the architectural character of the surrounding area.

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

Analysis: The new fence will have no negative impact on adjacent properties.

(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.

Analysis: The fence will be a visually open fence and will not block visibility of the site.

V. Agency & Neighborhood Concerns

Reviewing Agencies

No agencies were requested to review this application.

Neighborhood/Public

The applicant notified the neighborhood association indicated by the Office of Neighborhood Coordination. This included the Lee Acres Neighborhood Associations.

Property owners within 100 feet of the subject property were notified via mail. As of this writing, opposition to the request has been received from two neighbors citing concern for visibility in backing from their driveway.

VI. Conclusion

The initial request was for a 5-foot view fence along the front property line. The site is a vacant lot connected to the property to the immediate east. The site is 0.45 acres; however, the allowed deviation of 10% places the site at the half acre required for a tall wall permit.

The street is one with no front yard walls or fences. In addition, the properties along the street have no sidewalks between the property lines and the paved road. The applicant has agreed to lower the fence to four feet to lessen the impact on the streetscape.

Staff recommends approval of the Tall Wall permit with the condition of approval be the reduction in height to four feet.

Findings, Permit – Wall or Fence – Major,

MZP-2026-00019

1. Applicant is requesting a Permit-Wall or Fence Major, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“**IDO**”) Section 14-16-6-6(H).
2. Applicant has authority to pursue this Application, pursuant to 14-16-6-4(D).
3. Applicant is not required to offer a meeting with Indian Nations, Tribes, and Pueblos before filing the application, pursuant to IDO Section 14-16-6-4(B).
4. The Planning Director’s delegee has determined that the Application is complete, pursuant to IDO Section 14-16-6-4(H).
5. The analyses and studies listed in IDO Section 14-16-6-4(H) are not required.
6. The Application was forwarded to commenting agencies pursuant to IDO Section 14-16-6-4(I).
7. The content of the notice of the Application satisfies IDO Section 14-16-6-4(J)(1).
8. 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).
9. Applicant has sent mailed notice to all property owners within 100 feet of the subject property as required by IDO Section 14-16-6-4(J)(3).
10. Applicant has posted sign notice(s) as required by IDO Section 14-16-6-4(J)(4).
11. The Subject Property is located within the R-1 zone with a street facing fence height maximum of 3 feet.
12. Therefore, a 6 ft wall on the Subject Property requires a Permit-Wall or Fence Major Approval pursuant to IDO Subsection 14-16-6-6(H).
13. 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 14-16-57(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.

4. For a street side yard wall taller than allowed in Table 5-7-1, at least 20 percent of the properties with low-density residential development with a side yard abutting the same street as the subject property and within 330 feet of the subject property along the length of the street the lot faces have a street side yard wall or fence over 3 feet. This distance shall be measured along the street from each corner of the subject property's lot line, and the analysis shall include properties on both sides of the street.
- (b) The proposed wall would strengthen or reinforce the architectural character of the surrounding area.
- (c) The proposed wall would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community.
- (d) The design of the wall complies with any applicable standards in Section 14-16-5-7 (Walls and Fences), including but not limited to Subsection 14-16-5-7(E)(2) (Articulation and Alignment), Subsection 14-16-5-7(E)(3) (Wall Design), and both of the following criteria.
 1. The wall or fence shall not block the view of any portion of any window on the front façade of the primary building when viewed from 5 feet above ground level at the centerline of the street in front of the house.
 2. The design and materials proposed for the wall or fence shall reflect the architectural character of the surrounding area.
14. There has been some opposition to the request from neighbors
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 has provided a sound justification for the requested decision, based on substantial evidence, pursuant to IDO Section 14-16-6-4(E)(3).

Recommendation

APPROVAL of MZP-2026-00019, a request for a Permit wall Major for a view fence along the front property line for Lot 4 Block B, Lee Acres Subdivision and located at 637 Solar Dr. NW, based on the preceding Findings and with the following Conditions of Approval.

Conditions of Approvals

1. The fence shall have a height not to exceed 4 feet in height.
 2. The applicant is responsible to acquire all necessary permits, and approval is contingent upon, all applicable permits and related approvals.
 3. Fence placement shall meet all required clear sight triangle criteria.
-



Leslie Naji
Principal Planner, Zoning Hearing Examiner
Urban Design and Development Division

Notice of Decision cc list:

List will be finalized subsequent to the ZHE hearing.

A) PHOTOGRAPHS



Your paragraph text

B) APPLICATION INFORMATION

Taylor Tanquary
629 Solar Rd NW
Albuquerque, NM 87107
530-559-8658
tstanq@yahoo.com

13 January 2026

Justification Letter – Fence Height ZHE

To Whom It May Concern:

The applicant requests a Zoning Hearing Examiner approval for a 5-foot-high, open, see-through metal pipe and wire fence within the front yard at 637 Solar Rd NW.

The proposed fence replaces an existing rope fence and is located along the front property line and partially along the east and west side property lines. The fence is transparent, does not obstruct visibility or traffic sightlines, and is consistent with fencing in the surrounding area.

Due to the lot's configuration and use, the requested height is reasonable and will not negatively impact neighboring properties or the public right-of-way.

Your consideration and attention to this matter is greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to be 'T. Tanquary', written over a horizontal line.

Taylor Tanquary

Naji, Leslie

From: Taylor Tanquary <tstanq@yahoo.com>
Sent: Tuesday, April 14, 2026 1:19 PM
To: Naji, Leslie
Subject: Re: Question about setback

This Message Is From an External Sender

This message came from outside your organization.

Report Suspicious

Hi Leslie,

Thanks again for taking time out of your schedule to chat earlier. At this point, we would be happy to alter our proposed fence permit application as we discussed, leaving the fence location as previously requested, but lowering the fence height to 4ft height along the face/front of the street.

Please let me know what you need from me going forward for this proposal to progress.

Thank you so much.

Best,
Taylor Tanquary
530-559-8658

On Apr 14, 2026, at 12:39 PM, Naji, Leslie <lnaji@cabq.gov> wrote:

Hi Taylor,

I was hoping to hear back from you about setting back the fence from the property line. A 5 ft fence on the front property line is very out of keeping for the street.

Let me know your thoughts.

<image001.png>

LESLIE NAJI

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.

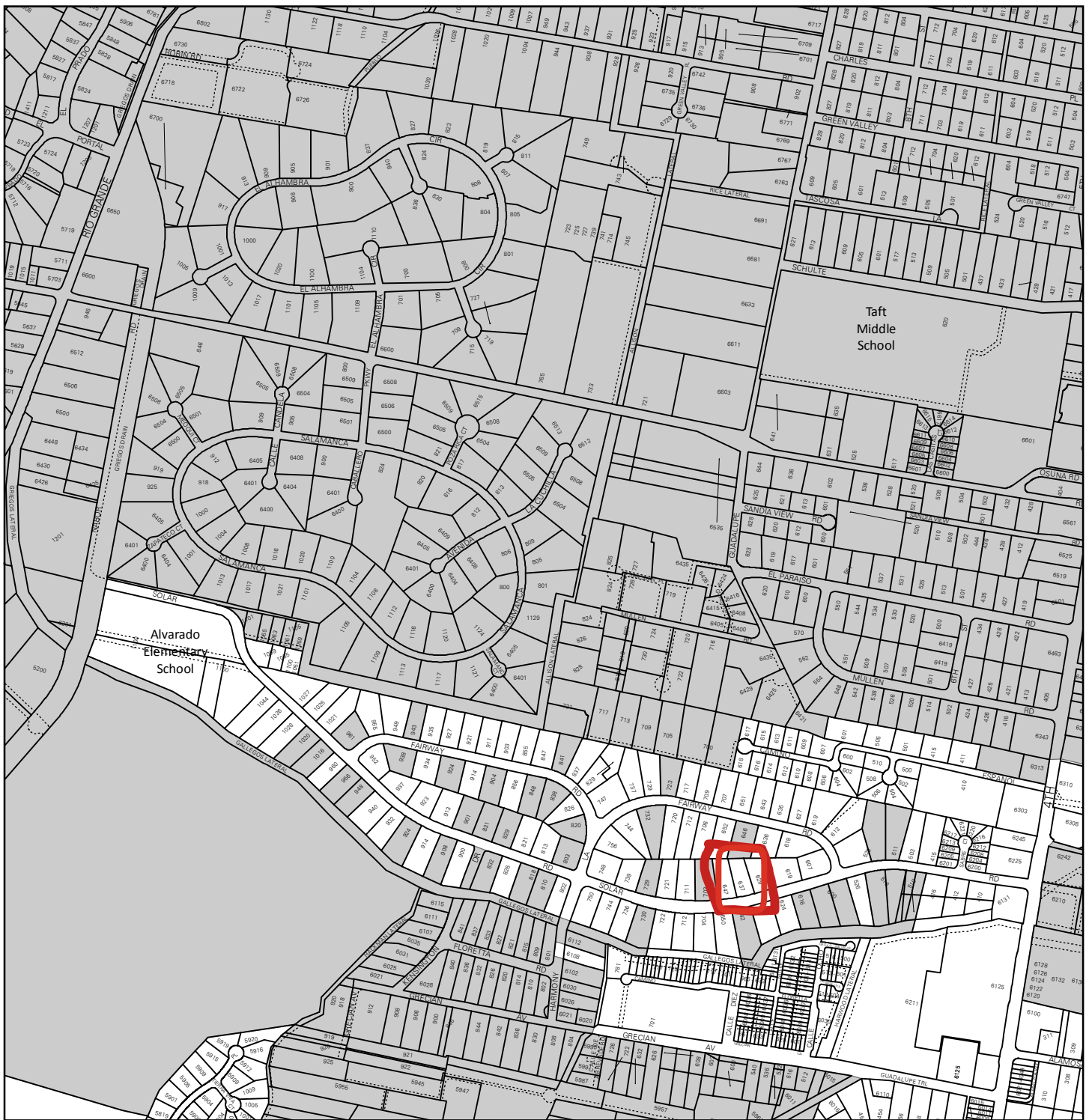
3. PHYSICAL POSTING

- 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.

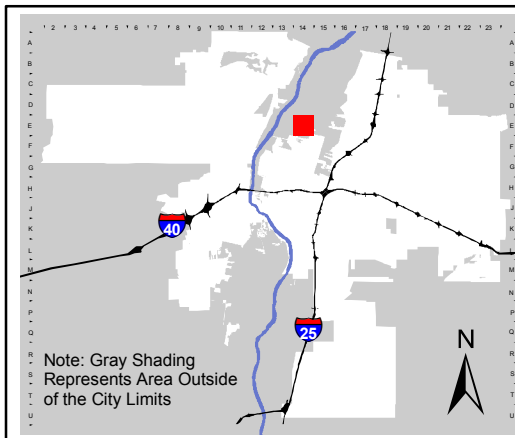
Signs must be posted from 15 days prior to the hearing to 15 days after the hearing.

Applicant/Agent Signature  date 4/10/26

Sign(s) were issued for the property located at 637 SOLAR RD NW
ALBUQUERQUE, NM 87107



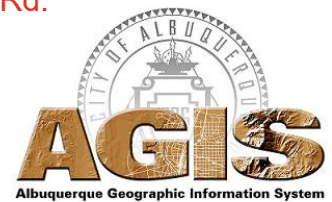
For more current information and details visit: www.cabq.gov/gis



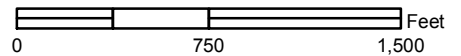
Address Map Page: **Site: 637 Solar Rd.**

E-14-Z

Map Amended through:
3/17/2017



These addresses are for informational purposes only and are not intended for address verification.



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

Public Notice of a Proposed Project in the City of Albuquerque Administrative Review/Decision – Electronic Mail

Date of Notice*: 11/17/2025

This notice of an application for a proposed project is provided as required by Integrated Development Ordinance (IDO) [§14-16-6-4\(K\) Public Notice](#). This notice is being provided to the Neighborhood Representatives on the attached list from the City of Albuquerque’s Office of Neighborhood Coordination.

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

1. Subject Property Address* 637 Solar Rd NW Albuquerque, NM 87107
Location Description _____
2. Property Owner* Taylor Tanquary
3. Agent/Contractor [if other than the property owner] _____
4. Application(s) Type* per IDO [Table 6-1-1](#)
 - Historic Certificate of Appropriateness – Minor
 - Sign Permit
 - Alternative Signage Plan
 - Wall/Fence Permit
 - Site Plan – Administrative

Summary of project/request*:

We will be constructing a new fence along the southern property line near the str
north approximately 50-60 feet along the east and west property lines inside the
fence will be approximately 5 ft tall, will be mostly transparent, and will be constr

5. This application will be decided by staff. Please contact devhelp@cabq.gov or call the Planning Department at 505-924-3860 and select option for Development Review Services.

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

Preferred project contact information:

Name: Jesyca Bogan

Email: jesyca.bogan@yahoo.com

Phone: 505-307-5944

C) PROPOSED SITE PLAN



Request has ben amended to be for a 4-foot fence rather than the 5-foot fence.

D) PUBLIC NOTICE

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

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

Date of Notice*: 3.30.2026

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

- Neighborhood Association Representatives on the attached list from the Office of Neighborhood Coordination.^{1*} <https://www.cabq.gov/office-of-neighborhood-coordination/notice-inquiry-sheet>
- Property Owners within 100 feet of the Subject Property.

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

1. Subject Property Address* 637 Solar Rd ABQ, NM _____ (zipcode)
Location Description _____
2. Property Owner* Taylor Tanquary
3. Agent/Contractor (if other than the property owner) _____
4. Application Type(s)^{2*} per IDO [Table 6-1-1](#):

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

Summary of project/request*:

5 ft. wire fence along front and side propertylines.

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

Hearing Date*: May 19, 2026 (T u e s d a y)

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

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

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

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

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

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

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

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

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

Applicant name: Jesyca Bogan

Email: jesyca.bogan@yahoo.com

Phone: 505-307-5944 Online website or project

Attachments: _____

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

Others: _____

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

1. Zone Atlas Page(s)^{*4} E-14

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

Architectural drawings

Elevations of the proposed building(s)

Other illustrations of the proposed application

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

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

Deviation(s) Variance(s) Waiver(s)

Explanation*: A deviation to lot size of 10% will also be required for this application.

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

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

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

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

Useful Links

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

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

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

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

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

From: Taylor Tanquary tstanq@yahoo.com
Subject: Notification of Application for Approval of Proposed Fence Project
Date: November 17, 2025 at 12:12 PM
To: amyranduh@gmail.com, sjenkusky@gmail.com
Cc: leeacresneighborhood@gmail.com



To Whom It May Concern:

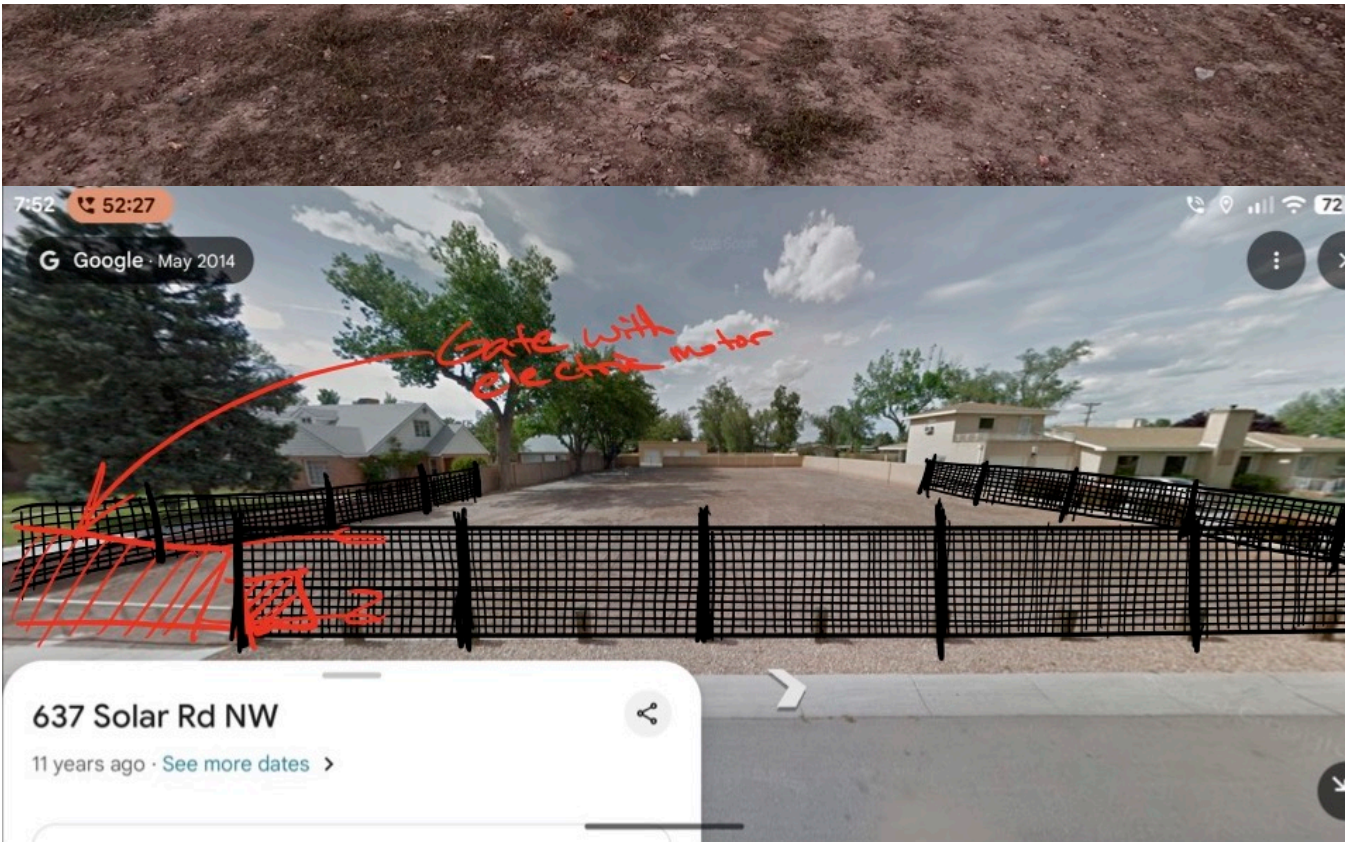
I am writing to inform the Lee Acres Neighborhood Association and its officers of my plan to submit an Application for Approval for a Wall/Fence Permit for my property. Below are the required details.

1. Address of property listed in application: 637 Solar Rd NW Albuquerque, NM 87107
2. Name of property owner: Taylor Tanquary
3. Name of applicant if different from owner: N/A
4. Site plan showing the property and location of all walls to be constructed: attached images below
5. Zone atlas vicinity map: attached below
6. Short summary description: The proposed fence is to be constructed in-place of the existing rope fence across the southern property line, and extending north along the east and west property lines approximately 12 inches inside of the existing block walls. These east and west fence lines will terminate when existing block walls reach a height of approximately 5 feet (the total length of the proposed east and west fence lines to extend north approximately 50-60 feet). Total proposed length of fence to be approximately 211 feet, with a maximum height of 5 feet.
7. More information: contact Jesyca Bogan 505-307-5944 jesyca.bogan@yahoo.com
8. Public Notice Form: attached below

Thank you,

Taylor Tanquary
530-559-8658
tstanq@yahoo.com







IDOZoneAtlasPa
ge_E-14-Z.pdf



Emailed-Notice-
Admini...Fill.pdf

TANQUARY TAYLOR S
~~629 SOLAR RD NW~~
ALBUQUERQUE NM 87107-5743

DIXON JIM C JR & HILL-DIXON KIMBERLY
280 DEL NORTE CT
BOSQUE FARMS NM 87068-9096

COLGAN FAMILY TRUST
647 SOLAR DR NW
ALBUQUERQUE NM 87107

PERRY GEORGE F JR & JOYCE T
652 FAIRWAY RD NW
ALBUQUERQUE NM 87107-5717

KOSTER FREDERICK T & DIANA W
TRUSTEES KOSTER TRUST
706 FAIRWAY RD NW
ALBUQUERQUE NM 87107-5719

SCHELBERG JOHN D & AKINS NANCY J
TRUSTEES AKINS-SCHELBERG LVT
630 SOLAR RD NW
ALBUQUERQUE NM 87107-5744

GARVANIAN MICHAEL
636 FAIRWAY RD NW
ALBUQUERQUE NM 87107

TANQUARY TAYLOR STEVEN
629 SOLAR RD NW
ALBUQUERQUE NM 87107-5743

MAESTAS JO LYNN
650 SOLAR RD NW
ALBUQUERQUE NM 87107

MONEIM SONYA H
624 SOLAR RD NW
ALBUQUERQUE NM 87107-5744

WILLIAMS CHRISTOPHER SCOTT
TRUSTEE WILLIAMS RVT
642 SOLAR RD NW
ALBUQUERQUE NM 87107-5744

HUGHES CHRISTOPHER
703 SOLAR RD NW
ALBUQUERQUE NM 87107-5745

Taylor Tanquary
629 Solar Rd NW
Albuquerque, NM 87107



HUGHES CHRISTOPHER
703 SOLAR RD NW
ALBUQUERQUE NM 87107-5745

Taylor Tanquary
629 Solar Rd NW
Albuquerque, NM 87107



MAESTAS JO LYNN
650 SOLAR RD NW
ALBUQUERQUE NM 87107

Taylor Tanquary
629 Solar Rd NW
Albuquerque, NM 87107



SCHELBERG JOHN D & AKINS NANCY J
TRUSTEES AKINS-SCHELBERG LVT
630 SOLAR RD NW
ALBUQUERQUE NM 87107-5744

Taylor Tanquary
629 Solar Rd NW
Albuquerque, NM 87107



KOSTER FREDERICK T & DIANA W
TRUSTEES KOSTER TRUST
706 FAIRWAY RD NW
ALBUQUERQUE NM 87107-5719

Taylor Tanquary
629 Solar Rd NW
Albuquerque, NM 87107



COLGAN FAMILY TRUST
647 SOLAR DR NW
ALBUQUERQUE NM 87107

Taylor Tanquary
629 Solar Rd NW
Albuquerque, NM 87107



WILLIAMS CHRISTOPHER SCOTT
TRUSTEE WILLIAMS RVT
642 SOLAR RD NW
ALBUQUERQUE NM 87107-5744

Taylor Tanquary
629 Solar Rd NW
Albuquerque, NM 87107



DIXON JIM C JR & HILL-DIXON KIMBERLY
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BOSQUE FARMS NM 87068-9096

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Albuquerque, NM 87107



GARVANIAN MICHAEL
636 FAIRWAY RD NW
ALBUQUERQUE NM 87107

Taylor Tanquary
629 Solar Rd NW
Albuquerque, NM 87107



PERRY GEORGE F JR & JOYCE T
652 FAIRWAY RD NW
ALBUQUERQUE NM 87107-5717

E) PUBLIC COMMENT

November 28, 2025

To Whom It May Concern
Planning Department
City of Albuquerque

**RE: Proposed Residential Fence Construction at 637 Solar Road NW
Integrated Development Ordinance 14-16-6-4 (K) Public Notice RESPONSE
Code Enforcement / Zoning (Incident: 251107-000990)**

BACKGROUND

My name is Jolynn Maestas; and I live at 650 Solar Road NE in Albuquerque, NM. This letter is in response to an application for an unlawful fence being constructed on a vacant lot located across the street from my residence. I am writing this letter on my behalf as the owner of this house for the past 30 years; AND I am also writing as a representative of my elderly mother, Joann Colgan, who lives directly across the street from me at 647 Solar Road, which is also directly next door to the lot where the fence is being constructed. As my mother is 90 years old and in failing health, I am the sole designated caretaking for her. My mother and her deceased husband have owned and lived in this home since 1969.

I first became aware of the fence being constructed in early November when I noticed a worker digging holes adjacent to my mother's block wall separating her property from the vacant lot. Later that day, I noticed 19 metal fence posts, each 3" by 3" wide and five feet tall above ground, installed in concrete along their adjacent property boundary, then along the northern ROW line of Solar Road five feet behind the curb and gutter, and then along the adjoining home property to the east, which is also owned by Mr. Tanquary.

I informed the worker that such a fence will obstruct the view from a vehicle pulling out of my mother's driveway; thereby causing a grave safety issue with vehicles as well as pedestrians and bicyclists (by the way, Solar Road has a dedicated and striped bicycle lane adjacent to the curb; and there are no sidewalks). I asked the worker if he obtained a permit; and he said that he didn't need a permit for a fence. He then contacted the property owner, Mr. Tanquary. Immediately thereafter, Mr. Tanquary and I discussed the issue on the phone where I told him that I was going to contact the City on whether a permit for a five-foot tall fence directly abutting the City ROW (and adjacent to the curb) and gutter was required. I subsequently inquired with a 3-1-1 call on November 7th (ticket #251107-000990) that apparently has resulted in Mr. Tanquary applying for a permit, I believe. I subsequently contacted 3-1-1 again on November 25, and again today on November 28th. I was informed that the partially constructed fence is in violation and the case is currently "in progress". I don't know exactly where the process is at this time because NOBODY at the City of Albuquerque (other than receipt of my 3-1-1 call from Customer Services) has contacted me directly regarding my 3-1-1 inquiry.

RECENT HISTORY

No progress has been made on construction of the fence since the first day when all the metal 3"x3" fence posts were installed, and I talked with Mr. Tanquary. The only information I currently have is from Steve Jenkusky, the President of the Lee Acres Neighborhood Association. Apparently, the City has taken some action on this matter because Mr. Jenkusky sent me an email with what appears to be an IDO 14-16-6-4 (K) Public Notice request from Mr. Tanquary. In the information obtained from Mr. Jenkusky, public comments must be received within 15 days from Mr. Tanquary's submittal. **This letter is intended to be entered into the record as a response to Mr. Tanquary's request for a fence permit.**

Included in the email from Mr. Jenkusky are fence location and height restrictions that I assume are City requirements. **The fencing proposal by Mr. Tanquary does not meet these City requirements; therefore, I believe a variance to the City's requirements must be requested and approved before any further construction can occur.** If so, I will be opposing such a variance request. From the information submitted to me, it does not appear that Mr. Tanquary requested a variance to the City requirements.

In reviewing the information provided to me, Mr. Tanquary's request has some incorrect and misleading information. The AI computer generated fencing material Mr. Tanquary drew on the existing posts already installed does not accurately portray the fencing material presently onsite. If the onsite fencing fabric is still being considered, this will severely limit the site visibility of any vehicle departing the driveway at 647 Solar Road with the potential of causing great bodily harm to vehicles and / or pedestrians and bicyclists.

The fencing fabric currently being proposed by the worker (I can't call him a contractor as he had no identification on his vehicle or equipment; and he refused to identify himself to me) is a welded steel wire fabric with openings approximately 2" by 4" with a wire diameter of 3/16". While this fencing fabric may, or may not, be considered "transparent" by the City's definition, I question that it is "transparent" when viewed at an angle significantly from perpendicular. **When viewed from a skewed angle, AND when it is viewed through three separate layers of fencing, which is what it will be from my mother's driveway, it most certainly won't be "transparent".**

Attached are pictures of the fence as presently and partially constructed showing the installed posts but without the welded fabric and top rail. All pictures are taken at the approximate location of my vehicle's driver's seat when the rear of my Nissan Rogue is at the curb line while backing out of the driveway at 647 Solar Road NE. All pictures are taken at photographer's standing eye height at approximately 5'-6" tall. Actual driver height is substantially lower which makes visibility even worse.

- Picture 4629: View of requested fence with no westbound cars coming.
- Picture 4632: One car entering "NO SEE" zone three lots (approximately 300 feet) of 647 Solar Road driveway with another car following close behind.

- Picture 4633: First car is now well within the “NO SEE” zone and second car is just entering the skewed angled fence area.
- Picture 4634: First car is approaching the potential collision location, and second car is fully within the “NO SEE” zone. While the first car is easily seen here, this is the location of the proposed 30-foot-wide gate location where no visual obstruction currently exists. The first car is now approximately 40 feet from the collision contact point.
- Picture 4635: Another car within the “NO SEE” zone.
- Pictures 4641 and 4642: A very tall pedestrian on roller blades fast approaching within the “NO SEE” zone. Can you even see him??
- Picture 4643: There he is (hidden behind the existing posts)!!

From the location of these pictures, you can see that the view of oncoming westbound traffic must be viewed through three sections of fencing (along the west property line, along the east property line, and along Solar Road) and at least 9 3” wide metal posts (plus a future gate), as well as an undetermined metal top rail. Also, the skewed angle of the fencing along Solar Road essentially compresses the vertical fencing wires closer together, thereby decreasing visibility further. This visibility issue becomes even worse once a vehicle is backed further into the street.

CONCLUSION

From my calculations and measurements, at least 300 feet of oncoming westbound traffic on Solar Road will be obscured from view by the nine 3” diameter posts, a 30-foot-wide gate not currently identified in plan, a continuous strand of fifteen horizontal 3/16” diameter wires, and over 600 3/16” vertical wires. This may not sound like a lot, but when viewed at a skewed angle of about 10 degrees, it basically makes a continuous visual obstruction that causes safety concerns that are hereby documented.

For the record, I, Jolynn Maestas, am not opposed to the fencing currently being proposed by Mr. Taylor Tangeray; and my mother, JoAnn Colgan is also opposed. I request that the City NOT APPROVE Mr. Tanquray’s request for such a fence as presently being proposed and constructed.

Let me clear that this has nothing to do with Mr. Tanquary as a person or a neighbor. He has full right to use and enjoy his property as he sees fit so long as it is lawful and doesn’t unduly impose upon others. If this 5’ tall fence was relocated to a location at least 15 feet further north (away from the street), I would withdraw my objections; but I would prefer that fence not extend past the front of his and my mother’s house.

Please keep me informed of the progress and status of Mr. Tanquary’s request as well as my response herein.

Sincerely,

Jolynn Maestas
650 Solar Road NE
Albuquerque, NM 87107
505-450-6476
jolynnmaestas@gmail.com

Documents/Word Documents/Response to City Fence

ZHE MINUTES

AC-26-06

PR-2026-000089 (Project)

[MZP-2026-00035](#) (Appeal)

[MZP-2026-00019](#) (ZHE – Wall/Fence – Major)



Zoning Hearing Examiner Hearing

MINUTES

April 21, 2026

Zoom Hearing

Robert Lucero – Zoning Hearing Examiner

City Staff Present:

Shannon Halley – Principal Planner, Planning Department

Leslie Najj – Principal Planner, Planning Department

Rachel Miranda – ZHE Hearing Monitor

ZHE-Robert Lucero: That takes us to Agenda Item 21. Let's see, do we have the applicant for 21? Oh yeah, I see the applicant here in attendance, just wanted to be sure. That's, MZP-2026-00019, Taylor Tanquary as applicant requests a Major Wall / Fence Permit to construct a 5-foot view fence on the front and side property line, Lot 4, Block B, Lee Acres Subdivision, Continuous [sic], for a property located at 637 Solar Road NW, which is zoned R1D. Is an applicant here? I didn't see... I thought I saw him here.

Taylor Tanquary: Yes, hi.

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

Taylor Tanquary: Yeah, my name is Taylor Tanquary, and full address is 629 Solar Road NW, Albuquerque, New Mexico 87107.

ZHE-Robert Lucero: Thank you, Mr. Tanquary. Sorry I mispronounced your name, looks like it's spelled differently on the notice than on your screen there.

Taylor Tanquary: Yeah, it's okay.

ZHE-Robert Lucero: Would you please raise your right hand? And do you swear or affirm under penalty of perjury that your testimony today will be true?

Taylor Tanquary: I do.

ZHE-Robert Lucero: Thank you. Please tell me about the proposed fence.

Taylor Tanquary: Yeah, so, little back and forth with this project. I won't go into all the history and details, but I've worked, you know, probably communicated with Leslie more than she wanted to hear from me on this, and you know, we started with a 5-foot fence, and my understanding with her is we were gonna actually propose a 4-foot fence along the southern property line, which abuts the street and mainly, you know, based off my discussion with her, you know, a 3-foot fence would, would just be approved, and there wouldn't be an issue with a 3-foot fence, because we are requesting an exception to the maximum height. We'd like to make it 4-foot, and the goal of this project really is to maximize the use of this lot and to allow our livestock and pets to be able to utilize as much of the property as possible, and just to, you know, we've had some issues with security as well. We had some break-ins a year, year and a half ago, and the previous fence that had been up had just been a little rope fence that maybe

was a foot and a half, two feet tall, and so we're looking for something a little higher than that, as well as something that will help keep the animals in for their safety and for, you know, safety.

ZHE-Robert Lucero: Okay, let's see, and what is the sort of construction? Is it, is it wrought iron? Is it... I thought I saw some pipe and wire references, too.

Taylor Tanquary: Yeah, yeah, it's gonna be like a pipe weld fence with, you know, welded sort of hog panel wire, so it is gonna be about 90%, if I had to guess, 90% transparent. I know, you know, Table 5-7-2, the requirements under 5-7(D)(3)(a), do require at least 50% transparency for the exceptions to that, and so this is well above that. It does have, like, a ranch look to it. It's for, you know, like a ranch, livestock-type look. It's gonna be well done, and this is, really, these are ranch houses. It's an older neighborhood and, yeah, it's, it's gonna be, you know, the setback is really just, if I had to approximate, I would guess a foot and a half to two feet from the street. Recessed from the... into the property line slightly.

ZHE-Robert Lucero: Okay. All right, thank you. I'll think through that and the submittals, you've addressed any questions that I had at this time. Anything else you'd like to add before I call for public comment?

Taylor Tanquary: No, I mean, you know, I just think... I know there's... I'll just say that my understanding is there's some concern about sight lines. Like I said, this fence is recessed into the property line, so I don't believe that's a serious issue, and as far as character of the neighborhood, I think, you know, there are other actual, you know, within just down the road in our neighborhood association, completely opaque cinder block walls, almost completely opaque, wood sort of coyote fencing, and so I do feel this is a great look. I think it does go with the neighborhood, and yeah, I think it'll be a great addition to the property and to the neighborhood as a whole.

ZHE-Robert Lucero: Thank you. Well, let's see if there's any public comment, and then if so, you'll have the chance to respond and so, for everyone here, this is Agenda Item 21. It's a request to allow a taller fence at 637 Solar. Please raise your hand to speak on this item. Let's see, I see Richard Rodriguez; looks like there's a few folks there that wish to speak. Are you there? Hello? Can't seem to hear any audio. I see you talking, let's see. Looks like you're unmuted. If you go down to the audio little microphone icon, there's a little arrow pointing up and using that, you can select the microphone and speaker. If you just make sure you're on the appropriate microphone, that might help. Alright, let's see, it says connecting to audio now. I'm still not hearing anything.

Shannon Halley - CABQ Planning: I'm not sure if this group left the meeting, re-entered it. That seemed to be one of the problems. Did you leave and come back in?

ZHE-Robert Lucero: Let's see, Richard Rodriguez, I'm wondering if maybe you could try calling in on the phone? It still says connecting to audio. Oh, good, you're coming in on the phone now, it says in the chat. Are you guys the 450-6476? Looks like the phone, the phone is muted.

Jo Lynn Maestas: We're all here.

ZHE-Robert Lucero: There we go, now we got you. Thank you. So, let's see, will all three of you testify? I see three of you on the screen.

Jo Lynn Maestas: Yes. Yes. I'll go first. My name is Jo Lynn Maestas.

ZHE-Robert Lucero: And your address?

Jo Lynn Maestas: I live at 647 Solar Road NW, Albuquerque.

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

Jo Lynn Maestas: I do.

ZHE-Robert Lucero: Thank you, go ahead.

Jo Lynn Maestas: Okay, I live at 647, which is directly across the street from this property. It's a vacant lot right now, and I've lived there in my house for 30 years. My mother lives across the street right next door, which is at 647, and the reason for my issue with this is when you back out of her driveway now with that fence, it's gonna completely block. It is right, the poles are right on the street line; they're not 2 feet back. That is not true. It's right on the street line. So he puts that fence up, you will not be able to see backing out of that driveway at all, and the material, if he's using the material that he just said, the fencing material, if it's the one that's on-site, it's, it's not... it's not transparent at all. And from an angle (INAUDIBLE) from an angle, too, when you're looking down the street, it won't be transparent. It'd be very difficult to see through that fence, and him saying that there's other houses in the neighborhood. This is a very old neighborhood with large, beautiful homes that are all set back. There are no fences on the street on Solar. There are no fences, Taylor, on the street on Solar. You may go to one of the side streets, maybe, but on Solar, there are no fences. None of them right up to the wall, right

up to the street, like you have, and with that said, we don't have curb and gutter and sidewalk, so he's really talking right up to the fence line.

ZHE-Robert Lucero: Thank you, let's see. Does somebody else on your call there wish to testify? Anybody want to add public comment?

Carolyn Rodriguez: Yes.

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

Carolyn Rodriguez: My name is Carolyn Rodriguez. My mailing address is 704 Solar Road NW.

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

Carolyn Rodriguez: Yes.

ZHE- Robert Lucero: Thank you, go ahead.

Carolyn Rodriguez: All right, I have lived in the neighborhood for over 36 years, and when we purchased our home here, we were given covenants that run with the land. These covenants have been in place since the 50s, when the neighborhood was built. And in, Section 4B of the covenants, it says that no building or structure, and phones are, I mean, fences are considered structures, should be located within 100 feet from the front line, and should be erected... shall not be erected more than 10 feet from the side lot line. So, within that, they also say that no structure should be located closer than 35 feet to the front lot line and again, fences are considered structures, and if you look... if you drive through our neighborhood, you see small walls that slowly build up from 1 foot to maybe 5 feet near a garage. There's probably 70 homes like that in the neighborhood, where everybody has observed these covenants and held to them in order to be a good neighbor.

ZHE-Robert Lucero: Thank you.

Carolyn Rodriguez: I'm done.

ZHE- Robert Lucero: Thank you, Mrs. Rodriguez. Mr. Rodriguez, would you comment as well, sir?

Richard Rodriguez: Yes.

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

Richard Rodriguez: Yes, my name is Dr. Richard Rodriguez, and my address is 704 Solar Road NW.

ZHE-Robert Lucero: Thank you, Dr. Rodriguez

Richard Rodriguez: I've lived here in this home with my wife for 36 years.

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?

Richard Rodriguez: I agree.

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

Richard Rodriguez: Our... our concern, and I'll voice that, is one of safety. I want to point out that we have a school at the end of the street. Going west and then going east, we have the street that dead ends at the front door... are probably the most well-known restaurant in this city, which is Sadie's, and what we contend is that children are going to be at risk with so much traffic and so much that they have to face. School buses go through there, parents walk their children through the neighborhood, and we have no sidewalks and this fence is on a curve. And this also is going to present the issue of going in and out from that area into the streets when we have no sidewalks, and so children, parents walking with the children, children on their bicycles, puts that lane right after you leave the boundary, and we see that that's going to be a great threat, and we oppose, unless we have some severe, real changes to the proposed, construction, we oppose this concept.

ZHE- Robert Lucero: Thank you Dr. Rodriguez.

Richard Rodriguez: Thank you.

ZHE-Robert Lucero: Thank you, sir.

Jo Lynn Maestas: This is Joe Lynn. I have the description of the fence material again, I couldn't find it, but now I found it. If it's the material that he has on site already, it's a welded steel wire fabric with openings approximately 2 inches by 4 inches with a wire diameter of 3/16th of an inch. This fencing may or may not be considered transparent by the City, but I question that when due to the angle, when you're looking down the street at an angle significantly from the perpendicular side, you won't be able to see. It will not be transparent.

ZHE-Robert Lucero: Thank you, thank you very much for your testimony. Let's go... I thought I saw another hand raised, or another group that, that wishes to speak. Again, this is Agenda Item 21. Last call for public comment on Agenda Item 21. Not seeing anybody else indicating they'd like to speak. Let's go back to the applicant. Would you like to respond to the public comment?

Taylor Tanquary: Yeah, I will. I, you know, so I guess in response to the child safety issue that Dr. Rodriguez brought up. This fence isn't being built on the street in any way. So, unless these kids have been walking on the property, this shouldn't affect that in any way, and there is space between concrete or asphalt, where the street ends and where the fence begins, for people to walk. So, I don't believe that is...should be a concern. I do appreciate the fact that he did bring up the school. I have a letter... I'll try to be brief with this. This is from one of our neighborhood association presidents, Jackie Jenkusky. She couldn't be here today; she's traveling, but she sent this to us on April 16th, and I'll try to be brief. She said, to members of the Planning Department and Zoning Hearing Examiner. I am writing as a resident of Lee Acres Neighborhood to formally express my support for the special exception request regarding the fence height and placement for the property located at 637 Solar Road NW. After reviewing the details of the proposal, I believe that granting this exemption is in the best interest of our Lee Acres neighborhood and the local community. Lee Acres is a livestock-friendly neighborhood. We own two horses and many chickens. We keep our horses in the lot next to our house, and neighbors and people who pass by enjoy seeing the horses. Mr. Tanquary and his family simply want to do what we already do, keep their horse in the lot next to their home. She goes on to say, there are a number of other families in the neighborhood that keep horses, goats, chickens, etc. in their yards.

Allowing this family to keep their horse in the lot next to their house is consistent with the character of our neighborhood. She said, Solar Road is the main road to Alvarado Elementary School. Children will pass the horses daily and will enjoy seeing the horse and any other livestock the family keeps there. This is also in line with the agriculture orientation of Alvarado Elementary School. The school keeps chickens and has an active agriculture program. The fence will have minimal impact. It will not impede sightlines, nor will it negatively affect the

quality of life for our neighboring residents. I feel it will improve the attractiveness of our semi-rural, agriculturally-oriented neighborhood. I urge the Planning Department to approve this application and allow the project to move forward. Thanks for your time and your dedication to the development of our city and neighborhood. Sincerely, Jackie Jankusky. I do think there's this concern with the neighbor immediately to the west of the property that there's gonna be some sightline impedance, and I think...I mean, I... I pull out of my driveway every day, and this isn't an issue, and this fence, where it's located, I do not believe will be an issue. I'll leave it up, obviously, to you guys and your discretion, based off the plans, the sight lines, you know, the proposed fence construction, where it'll be, how far it'll be recessed. There is space; there's dirt between where the street ends and where the fence will be, so it's not right up against the street, and overall, as I said, there are other properties in our neighborhood, within our neighborhood association, that do have walls completely opaque and fences that I believe are more obtrusive than this proposed plan.

ZHE-Robert Lucero: How about, how far is it from the street, or sort of the, I'm just looking at the aerial that's in the record, and it looks... I don't see a sidewalk, but it looks like there is, like, an apron, maybe, or, like, a concrete...

Taylor Tanquary: A lip.

ZHE- Robert Lucero: Yeah, a lip. How far is it from the lip to the fence?

Taylor Tanquary: I don't know how well this is gonna come through. I have a fence, and I know, I'm sure you're aware, I spoke with, like, I think Mike Mauro, he's Code Enforcement, and we began this project... as soon as I realized we needed a permit, this is back in November, we stopped everything. So, there are posts in the ground already. I don't know how visible this is, but, probably not.

ZHE-Robert Lucero: Oh, it's... yeah, not quite coming.

Taylor Tanquary: I can send it, I mean, this is... it's at least several feet of dirt between the fence posts that are in the ground currently and the end of that lip, connected to the street.

ZHE-Robert Lucero: Okay, thank you. Let's go next. I see Mary Beth Schubauer, I think, with a hand raised. Are you there? Looks like you're on mute there.

Mary Beth Schubauer: Am I, are you able to hear me?

ZHE-Robert Lucero: Yes, thank you. Are you, looking to comment on Agenda Item 21?

Mary Beth Schubauer: Yes.

ZHE-Robert Lucero: Okay, please state your full name and mailing address for the record.

Mary Beth Schubauer: (INAUDIBLE) quickly. My address is... my full name is Mary Beth Schubauer. My address is 837 Fairway Road NW, Albuquerque, 87107.

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?

Mary Beth Schubauer: Yes, I do.

ZHE-Robert Lucero: Thank you, go ahead.

Mary Beth Schubauer: Yes, I live in the neighborhood, and I live on an adjacent street, and often walk in the neighborhood. The placement of the current posts for this fence are within, I believe, about a foot of the apron. I wouldn't have any opposition to this fence if it were set back from the road, as the City ordinance requires the 10-foot setback. I wouldn't have any opposition at all to that fence being there. But being that it is right on the street, next to that apron that goes down into the street, I oppose this fence being erected that way.

ZHE-Robert Lucero: Thank you. Thank you for your testimony. Let's go back to the applicant, if you wouldn't mind just addressing only this last, public commenter, please, if you... if you like.

Taylor Tanquary: Yeah, no, sorry, I was fixing my mute. Yeah, I just, I defer to your guys' judgment again. If, you know, I'm... I've looked through the IDO requirements and all the city ordinance requirements, and I'm trying my best. I believe we comply with all the requirements. I've worked very closely with, like I said, initially, Estevan Sanchez, I believe, in a different department, but Leslie Naji in the last few weeks, very closely, and we've tried to come up with a plan that, as I mentioned, originally, it was going to be 5 feet, we dropped it to 4, and we believe this plan, you know, coincides with all the requirements, and so, I trust your guys' judgment.

ZHE-Robert Lucero: Thank you, for the testimony, and thanks everyone who's participated and provided their testimony. I'll take everything under consideration, and I'll I'm going to issue the written decision in 15 days, so thank you very much, everyone. That concludes Agenda Item 21.

ADDITIONAL INFORMATION

AC-26-06

PR-2026-000089 (Project)

[MZP-2026-00035](#) (Appeal)

[MZP-2026-00019](#) (ZHE – Wall/Fence – Major)



NOTICE OF APPEAL

May 21, 2026

TO WHOM IT MAY CONCERN:

The Planning Department accepted an appeal on May 21, 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-26-06
PLANNING DEPARTMENT CASE FILE NUMBER: MZP-2026-00019 (ZHE – Wall/Fence – Major), MZP-2026-00035 (Appeal)

SUBJECT PROPERTY: 637 Solar Rd NW, Albuquerque, NM 87107

APPLICANT: Jolynn Maestas
jolynnmaestas@gmail.com

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