



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

Tyson Parker LLC requests a Permit – Wall or Fence – Major for a proposed courtyard wall for all or a portion of Lot 1A, Block 10 Altura Addition, located at 1423 Solano Dr. NE, zoned R-1C..	Special Exception No: MZP-2025-00031
	Project No:
	Hearing Date: 11-18-25
	Closing of Public Record: 11-18-25
	Date of Decision: 12-03-25

On November 18, 2025, Tyson Parker, LLC (“**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 1423 Solano Dr. NE. (the “**Subject Property**”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. This is a request for a Permit – Wall or Fence – Major for a courtyard wall on a lot legally described as all or a portion of *01A 010 Altura Addition, located at 1423 Solano Dr. NE, between Solano Dr. NE and Carlisle Blvd NE, containing approximately 0.14-acres.
2. The applicant is requesting a Permit – Wall or Fence – Major, pursuant to Integrated Development Ordinance (IDO) Section 14-16-6-6(H). This request is to allow a proposed, new courtyard wall, ranging from 3-feet to 5-feet in height. The majority of the wall will be 10-feet from the property line, any portions of the wall within 10-feet of the property line will be limited to 3-feet in height.
3. The applicant has authority to pursue this application, pursuant to IDO 14-16-6-4(D).
4. The applicant has authorized an Agent to act on the Applicant’s behalf regarding this request.
5. 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.
6. The subject site is zoned R-1C, which requires a 15-foot front yard setback and 10-foot street side setback for the corner lot property.
7. Pursuant to Table 5-7-1: Maximum Wall Height, a wall in the front or street side yard is limited to a 3-foot maximum height in these locations.

8. Pursuant to Table 5-7-2: Options for a Taller Front or Side Yard Wall, a courtyard wall must be at least 10-feet from the lot line abutting the street or edge of the sidewalk closest to the primary building, whichever is more restrictive. Courtyard walls are granted a 6-foot maximum wall height and require a Permit – Wall or Fence – Major.
9. Pursuant to IDO §14-16-6-6(H)(3) Permit – Wall or Fence – Major: 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.

The subject site is approximately 0.14 acres according to the city of Albuquerque Advanced Map Viewer. The site does not meet this criterion.

2. The lot fronts a street designated as a collector, arterial, or interstate highway.

The subject site fronts Solano Dr. NE, which is a local residential street. Aspen Ave NE, the street along the northern boundary of the site is a local residential street as well.

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.)

The applicant has provided photos of walls or fences that exceed 3 feet in height in the front yard of properties within 330 feet of the subject site. With 16 total properties along Solano Drive and Solano Place, there are 7 properties that have walls or fences above 3 feet in height, meeting the 20 percent requirement.

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.)

There are nine properties along Aspen Ave NE that are within the 330-foot buffer. The applicant has provided photos indicating 6 lots contain street-side yard walls above 3 feet in height.

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

The proposed wall does not vary from the existing character of the surrounding area. Similar courtyard walls can be found in the neighborhood, the stucco finish and proposed color will strengthen and reinforce the architectural character of the community.

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

The proposed wall would not be injurious to the adjacent properties, surrounding neighborhood and the community as a whole.

- (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.

The proposed wall design complies with applicable standards in IDO sections 5-7; 5-7(E)(2) and 5-7(E)(3).

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.

The proposed wall ranges in height from 3-feet to 5-feet, and will not block the view of any portion of window on the front façade as shown on the east elevations plan page provided by the applicant.

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

The proposed wall reflects the architectural character of the surrounding area, protecting and enhancing the character of the community as a whole.

10. Recognized Neighborhood Associations within 660-feet, the Altura Addition Neighborhood Association, Altura Park Neighborhood Association, District 7 Coalition of Neighborhood Associations, McDuffie Twin Parks Neighborhood Association and Summit Park Neighborhood Association, and all property owners within 100-feet of the subject site were notified as required.

DECISION:

APPROVAL of a Permit-Wall or Fence-Major.

APPEAL:

If you wish to appeal this decision, you must do so by December 18, 2025 pursuant to Section 14-16-6-4(U), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This Notice of Decision does not constitute approval of plans for a building permit. If your Application is approved, bring this Notice of Decision with you when you apply for any related building permit or occupation tax number. Approval of a Conditional Use is void after two (2) years from date of approval if the rights and privileges granted thereby have not been executed or utilized. Approval of a Variance is void after one (1) year from date of approval if the rights and privileges granted thereby have not been executed or utilized.



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