



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

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

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

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

FINDINGS:

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

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

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

DECISION:

DENIAL of a Permit-Wall or Fence-Major.

APPEAL:

If you wish to appeal this decision, you must do so by June 19, 2025, pursuant to Section 14-16-6-4(U) of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

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



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Robert Lucero, Esq.  
Zoning Hearing Examiner

cc: ZHE File  
Zoning Enforcement  
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CITY OF ALBUQUERQUE  
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NOTIFICATION OF DECISION

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

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

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

FINDINGS:

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

DECISION:

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

APPEAL:

If you wish to appeal this decision, you must do so by June 19, 2025, pursuant to Section 14-16-6-4(U) of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

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



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