



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

Douglas Moya (Agent, Elvia Herrera) requests a Tall Wall Permit – Major for Lot 31, City View Mobile Home Park, located at 722 Rim Dr SW, zoned PD (K-11-Z) [IDO Section 14-16-5-7(D); Table 5-7-2].

Special Exception No:... MZP-2025-00006
Project No:..... PR-2025-020051
Hearing Date:..... 05/20/2025
Closing of Public 05/20/2025
Record:
Date of Decision:..... 06/04/2025

On May 20, 2025, Douglas Moya (Agent, Elvia Herrera) (“**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 722 Rim Dr SW (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. 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 PD zone district.
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, the subject property is at least ½ acre and at least 20% of 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.
15. Based on evidence presented by Applicant, the proposed wall would strengthen or reinforce the architectural character of the surrounding area by remaining consistent with improvements on the Subject Property.
16. Based on evidence presented by Applicant, the proposed wall would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community. Applicant submitted evidence that no negative impacts would result.

17. 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.
18. The City Traffic Engineer submitted a report stating no objection to the Application.

DECISION:

APPROVAL 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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NOTIFICATION OF DECISION

Douglas Moya (Agent, Elvia Herrera) requests a variance of 3ft to the allowed 3ft wall height in the front yard for Lot 31, City View Mobile Home Park, located at 722 Rim Dr SW, zoned PD (K-11-Z) [IDO Section 14-16-5-7(D); Table 5-7-1].

Special Exception No:... VA-2025-00021
Project No:..... PR-2025-020051
Hearing Date:..... 05/20/2025
Closing of Public 05/20/2025
Record:
Date of Decision:..... 06/04/2025

On May 20, 2025 Douglas Moya (Agent, Elvia Herrera) (“**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 722 Rim Dr SW (the “**Subject Property**”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a Variance of 3 feet to the 3-foot maximum wall height, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“**IDO**”) Section 14-16-6-6(O).
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 PD zone district, which mandates 3-foot maximum height for walls in the front yard.
9. Therefore, a 6-foot high wall would require ZHE approval of a Variance of 3 feet to the 3-foot maximum wall height on the Subject Property pursuant to IDO Subsection 14-16-6-6(O).
10. IDO Section 14-16-6-6(O)(3)(a) (Review and Decision Criteria– Variance) reads: “*An application for a Variance - ZHE shall be approved if it meets all of the following criteria[:]*”

1. *There are special circumstances applicable to a single lot that are not self-imposed and that do not apply generally to other property in the same zone district and vicinity, including but not limited to size, shape, topography, location, surroundings, physical characteristics, natural forces, or by government actions for which no compensation was paid. Such special circumstances of the lot either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or economic return on the property, or practical difficulties result from strict compliance with the minimum standards.*
 2. *The Variance will not be materially contrary to the public safety, health, or welfare.*
 3. *The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.*
 4. *The Variance will not materially undermine the intent and purpose of this IDO, the applicable zone district, or any applicable Overlay Zone.*
 5. *The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.”*
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. Agent appeared at the May 20, 2025 ZHE hearing on the Application[and gave evidence in support of the Application.
 14. Based on evidence submitted by or on behalf of Applicant, it appears that there are special circumstances applicable to the Subject Property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid, and such special circumstances of the lot either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or economic return on the property, or practical difficulties result from strict compliance with the minimum standards, as required by Section 14-16-6-6(O)(3)(a)(1). The Subject Property is an usual size and shape. The size and shape, as well as location of the property, create special circumstances that create practical difficulties that would result from strict compliance with the minimum standards
 15. Based on evidence submitted by or on behalf of Applicant, the Variance will not be contrary to the public safety, health and welfare of the community as required by Section 14-16-6-6(O)(3)(a)(2). Applicant submitted evidence that no negative impacts would occur.
 16. Based on evidence submitted by or on behalf of Applicant, the Variance will not cause significant adverse material impacts on surrounding properties or infrastructure improvements in the vicinity as required by Section 14-16-6-6(O)(3)(a)(3). The fence provides for security and applicant testified no negative impacts would occur.
 17. Based on evidence submitted by or on behalf of Applicant, the Variance will not materially undermine the intent and purpose of the IDO or applicable zone district as required by

Section 14-16-6-6(O)(3)(a)(4). The proposed fence is in compliance with IDO requirements, with the requested variance.

18. Based on evidence submitted by or on behalf of Applicant, the Variance approved is/ the minimum necessary to avoid extraordinary hardship or practical difficulties as required by Section 14-16-6-6(O)(3)(a)(5). Any smaller fence would be insufficient to provide for security.
19. The City Traffic Engineer submitted a report stating no objection to the Application.

DECISION:

APPROVAL of a Variance of 3 feet to the 3-foot maximum wall height.

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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