



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

Jessica E. & Roman F. Chacon requests a Tall Wall Permit – Major on the street side for Lot 3, Block 2, Volcano Cliffs Subdivision Unit 18, located at 6608 Petirrojo Road NW, zoned R-1D (Section 14-16-5-7(D)(3) Table 5-7-2)

Special Exception No:..... **MZP-2025-00015**  
Project No: ..... **PR-2025-020094**  
Hearing Date: ..... 09-16-2025  
Closing of Public Record: 09-16-2025  
.....  
Date of Decision:..... 10-01-2025

On September 16, 2025, Jessica E. & Roman F. Chacon (“**Applicant**”) was scheduled to appear before the Zoning Hearing Examiner (the “**ZHE**”) requesting a Tall Wall Major Permit in an R-1D zone (“**Application**”) upon the real property located at 6608 Petirrojo Road NW (the “**Subject Property**”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a Tall Wall Major Permit in an R-1D zone, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“**IDO**”) Section 14-16-6-6(A).
2. The proposed wall would be located along Aguila St. NW, along the street side yard of the Subject Property.
3. Applicant has authority to pursue this Application, pursuant to 14-16-6-4(D).
4. Applicant is not required to offer at least 1 meeting to Indian Nations, Tribes, and Pueblos no more than 1 calendar year before filing the application, pursuant to IDO Section 14-16-6-4(B).
5. The Planning Director’s delegee has determined that the Application is complete, pursuant to IDO Section 14-16-6-4(G).
6. The analyses and studies listed in IDO Section 14-16-6-4(H) were delivered.
7. The Application was not required to be 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 was not required to send an electronic mail notice to Neighborhood Association as none were listed with ONC.
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 as required by IDO Section 14-16-6-4(J)(4).
12. The Subject Property is zoned R-1D.

13. All applications for walls or fences that that require a Permit – Wall or Fence – Major pursuant to Subsection 14-16-5-7(D)(3)(a)2 are subject to approval through Subsection 14-16-6-6(H).
14. Requests for walls taller than allowed as a Permit – Wall or Fence – Major also require a Variance pursuant to Subsection 14-16-6-6(O).
15. IDO Section 14-16-6-6(H)(3) (Review and Decision Criteria) reads: *“An application for a Permit – Wall or Fence – Major for a wall in the front or street side yard of a lot with low-density residential development in or abutting any Residential zone district that meets the requirements in 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 lot size is not at least ½ acre. Lot size is 0.3499 acres.
    2. *The lot fronts a street designated as a collector, arterial, or interstate highway.*

The lot does not face a designated 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.*

All properties within 330 feet of the property in which there are side walls facing the street, have walls above the 3 feet as allowed in Table 5-7-1 for walls less than 10 feet from the lot line.
  - (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.”*
16. 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).
  17. 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).
  18. Applicant appeared at the September 16, 2025 ZHE hearing on the Application and gave evidence in support of the Application.
  19. Based on photographs, maps and oral evidence presented by Applicant, 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.
  20. Based on evidence presented by Applicant, the proposed wall would strengthen or reinforce the architectural character of the surrounding area. The proposed wall appears to be consistent with other walls in the neighborhood and with the architecture of improvements on the Subject Property.
  21. Based on evidence presented by Applicant, the proposed wall would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community. The wall does not block any clear sight triangle and it provides for eyes on the street. It appears to be entirely on the Subject Property.
  22. 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. Photos and drawings in the record establish compliance with this requirement.
  23. 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 October 16, 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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Zoning Hearing Examiner

cc: ZHE File  
Zoning Enforcement  
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CITY OF ALBUQUERQUE  
OFFICE OF ADMINISTRATIVE  
HEARINGS  
ZONING HEARING EXAMINER  
NOTIFICATION OF DECISION

Jessica E. & Roman F. Chacon requests a Variance of 3ft to the maximum 3ft wall height on the street side for Lot 3, Block 2, Volcano Cliffs Subdivision Unit 18, located at 6608 Petirrojo Road NW, zoned R-1D (Section 14-16-5-7(D)(3) Table 5-7-2)

Special Exception No:..... **VA-2025-00135**  
Project No: ..... **PR-2025-020094**  
Hearing Date: ..... 09-16-2025  
Closing of Public Record: 09-16-2025  
.....  
Date of Decision:..... 10-01-2025

On September 16, 2025, Jessica E. & Roman F. Chacon (“**Applicant**”) was scheduled to appear before the Zoning Hearing Examiner (the “**ZHE**”) requesting a Variance of 3 feet to the maximum 3 feet wall height in an R-1D zone (“**Application**”) upon the real property located at 6608 Petirrojo Road NW (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 maximum 3 feet wall height in an R-1D zone, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“**IDO**”) Section 14-16-6-6(A).
2. Applicant has authority to pursue this Application, pursuant to 14-16-6-4(D).
3. Applicant is not required to offer at least 1 meeting to Indian Nations, Tribes, and Pueblos no more than 1 calendar year 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(G).
5. The analyses and studies listed in IDO Section 14-16-6-4(H) were delivered.
6. The Application was not required to be 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 was not required to send an electronic mail notice to Neighborhood Association as none were listed with ONC.
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 as required by IDO Section 14-16-6-4(J)(4).
11. The Subject Property is zoned R-1D.
12. Requests for walls taller than allowed as a Permit – Wall or Fence require a Variance pursuant to Subsection 14-16-6-6(O).

13. *IDO Section 14-16-6-6(O)(3) (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.*

14. 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).

15. 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).

16. Applicant appeared at the September 16, 2025 ZHE hearing on the Application for a Variance of 3 feet to the maximum 3 feet wall height and gave evidence in support of the Application.

17. Based on evidence submitted by or on behalf of Applicant, it appears that there are special circumstances applicable to the Subject Property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid, and such special circumstances of the lot either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or economic return on the property, or practical difficulties result from strict compliance with the minimum standards, as required by Section 14-16-6-6(O)(3)(a)(1). The Subject Property is located on a corner lot along Petirrojo Rd. NW, one of the primary entrances to the community off of Compass Rd. NW. This location which creates increased visibility into the residence and risk of trespass and security risks, which constitute special circumstances that create practical difficulties that would result from strict compliance with the minimum standards. Also, headlights of southbound traffic exiting the community along Petirrojo toward Compass shine into the Subject Property, which light is mitigated by the proposed wall.

18. Based on evidence submitted by or on behalf of Applicant, the Variance will not be contrary to the public safety, health and welfare of the community as required by Section

14-16-6-6(O)(3)(a)(2). The fence design is attractive and in line with the architectural character of the neighborhood.

19. Based on evidence submitted by or on behalf of Applicant, the Variance will not cause significant adverse material impacts on surrounding properties or infrastructure improvements in the vicinity as required by Section 14-16-6-6(O)(3)(a)(3). The fence provides for security and views, while remaining consistent with walls directly across Aguila St. NW from the Subject Property.
20. Based on evidence submitted by or on behalf of Applicant, the Variance will not materially undermine the intent and purpose of the IDO or applicable zone district as required by Section 14-16-6-6(O)(3)(a)(4). Applicant testified the proposed wall will be built in compliance with all IDO requirements.
21. Based on evidence submitted by or on behalf of Applicant, the Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties as required by Section 14-16-6-6(O)(3)(a)(5). Any smaller fence would be insufficient to provide for security and mitigation of light pollution from headlights.
22. 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 October 16, 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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