



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

John R. Dacamara requests a Tall Wall Permit – Major for Lot 7, Block 7, Eastern Addition 1st Extension South, located at 1800 Broadway Boulevard SE, zoned MX-L (Section 14-16-5-7(D)(3) Table 5-7-2)

Special Exception No:..... **MZP-2025-00024**
Project No: **PR-2025-020096**
Hearing Date: 09-16-2025
Closing of Public Record: 09-16-2025
Date of Decision:..... 10-01-2025

On September 16, 2025, John R. Dacamara (“**Applicant**”) was scheduled to appear before the Zoning Hearing Examiner (the “**ZHE**”) requesting a Tall Wall Major in an MX-L zone (“**Application**”) upon the real property located at 1800 Broadway Boulevard SE (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 MX-L 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 a 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 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 as required by IDO Section 14-16-6-4(J)(4).
11. The Subject Property is zoned MX-L.
12. All applications for walls or fences 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).

13. 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).
14. 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.*
 - 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. 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 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).
17. Applicant appeared at the September 16, 2025 ZHE hearing on the Application for a Tall Wall Permit - Major and gave evidence in support of the Application.
18. Several opponents submitted evidence opposing the Application. Evidence from the opposition centers on safety concerns, aesthetics (and no evidence of similar walls/fences in vicinity), and lack of eyes on the street caused by the opaque wall.
19. The City Traffic Engineer submitted a report stating no objection to the Application.
20. Applicant did not provide written justification of the decision criteria for the Application, and questions remain regarding whether the Application satisfies IDO Section 14-16-6-6(H)(3) subsections (a) through (d). These questions include, but are not limited to: how proposed wall would strengthen or reinforce the architectural character of the surrounding area; whether the proposed wall would be injurious to adjacent properties, the surrounding neighborhood, or the larger community; and how the proposed wall complies with the design standards mandated by the IDO.
21. This matter should be continued to allow Applicant and other concerned parties to supplement the records to address these and any other relevant points.

DECISION:

CONTINUANCE of the hearing on the Application to the October 21, 2025, ZHE hearing, which begins at 9:00 a.m.



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

John R. Dacamara requests a Variance of 3ft to the maximum 3ft wall height on the street side for Lot 7, Block 7, Eastern Addition 1st Extension South, located at 1800 Broadway Boulevard SE, zoned MX-L (Section 14-16-5-7(D)(3) Table 5-7-2)

Special Exception No:.....	VA-2025-00127
Project No:	PR-2025-020096
Hearing Date:	09-16-2025
Closing of Public Record:	09-16-2025
.....	
Date of Decision:.....	10-01-2025

On September 16, 2025, John R. Dacamara (“**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 MX-L zone (“**Application**”) upon the real property located at 1800 Broadway Boulevard SE (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 MX-L 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 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 as required by IDO Section 14-16-6-4(J)(4).
11. The Subject Property is zoned MX-L with a maximum front wall height of 3’.
12. Therefore, an additional 3 feet to the maximum 3 feet wall height on the Subject Property requires a Variance Approval pursuant to IDO Subsection 14-16-6-6(O).

13. 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:*
 - a. *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.*
 - b. *The Variance will not be materially contrary to the public safety, health, or welfare.*
 - c. *The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.*
 - d. *The Variance will not materially undermine the intent and purpose of this IDO, the applicable zone district, or any applicable Overlay Zone.*
 - e. *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 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. Several opponents submitted evidence opposing the Application. Evidence from the opposition centers on safety concerns, aesthetics (and no evidence of similar walls/fences in vicinity), and lack of eyes on the street caused by the opaque wall.
18. The City Traffic Engineer submitted a report stating no objection to the Application.
19. Questions remain regarding whether the Application satisfies IDO Section 14-16-6-6(O)(3)(a) subsections (1) through (5). These questions include, but are not limited to:
 - a. Whether the Subject Property has special circumstances 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;
 - b. If such special circumstances exist, how 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;
 - c. Why the proposed wall will not be materially contrary to the public safety, health, or welfare;
 - d. Why the requested Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity;
 - e. Whether the Variance will or will not materially undermine the intent and purpose of this IDO, the applicable zone district, or any applicable Overlay Zone; and

- f. Whether the requested Variance is the minimum necessary to avoid extraordinary hardship or practical difficulties.
20. This matter should be continued to allow Applicant and other concerned parties to supplement the records to address these and any other relevant points.

DECISION:

CONTINUANCE of the hearing on the Application to the October 21, 2025, ZHE hearing, which begins at 9:00 a.m.



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