



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

San Mateo 4 Men LLC (Agent: Isaac Lopez) requests a Tall Wall Permit - Major and a Variance of 3ft to the allowed 3ft wall height in the front, east side of the property, a 3ft to the allowed 3ft wall height in the south street side of the property, and a variance of 5ft to the 5ft setback for front and street sideyard fences for Lot G, Block 61, Bel-Air, A Replat of the East 150 Ft of south 125 F of Block 61, located at 3301 San Mateo Boulevard NE, zoned MX-M.

Special Exception No: ..	VA-2025-00124
Project No:.....	NA
Hearing Date:.....	10-21-25
Closing of Public Record:	10-21-25
Date of Decision:	11-05-25

On October 21, 2025, Isaac Lopez, FCHC Law, (“**AGENT**”) for San Mateo 4 Men LLC, (“**APPLICANT**”) appeared before the Zoning Hearing Examiner (the “**ZHE**”) requesting a Variance (“**Application**”) upon the real property located at 3301 San Mateo Blvd NE (the “**Subject Property**”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a Variances of 3ft to the allowed 3ft wall height in the front, east side of the property, of 3ft to the allowed 3ft wall height in the south street side of the property, and of 5ft to the 5ft setback for front and street side yard fences, 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. Applicant has duly authorized Agent to act on Applicant’s behalf regarding the Application.
4. Applicant is not required to offer a meeting to Indian Nations, Tribes, and Pueblos 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) are not required.
7. The Application was forwarded to commenting agencies pursuant to IDO Section 14-166-4(I).
8. The content of the notice of the Application satisfies IDO Section 14-16-6-4(J)(1).
9. 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).

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(s) as required by IDO Section 14-16-6-4(J)(4).
12. The Subject Property is located in the MX-M zone.
13. Therefore, a request for a 6 ft wall on the front and street side property lines with no setback on the Subject Property requires a Variance Approval pursuant to IDO Subsection 14-16-6-6(O).:
 1. 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 *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.”*
15. Based on evidence there are no unusual characteristics or hardships connected with the site. The size, shape, topography, and general physical characteristics of the site are the same or similar to most other sites along San Mateo. While Applicant submitted testimony that sites to the south of the Subject Property are strip malls, unlike the single user Subject Property, it is unclear how this difference imposes any extraordinary hardship or practical difficulty with the Subject Site. While the ZHE can empathize with the problems regarding which Applicant testified, including trespassers, apparent drug use and crime, it is unclear how the physical characteristics of the Subject Property itself make it more susceptible to these negative factors than would be any other neighboring property, as the IDO requires. Applicant posits that the use of the property as an office creates an extraordinary circumstance, but the use of the Subject Property is a self-imposed situation that cannot constitute a special circumstance under the IDO.
16. Because all prongs of the variance test under IDO Section 14-16-6-6(O)(3)(a) must be satisfied, and the Application fails to satisfy the special circumstances test under IDO Section 14-16-6-6(O)(3)(a)(1), the Application must be denied.

DECISION:

DENIAL of the requested Variances of 3ft to the allowed 3ft wall height in the front, east side of the property, of 3ft to the allowed 3ft wall height in the south street side of the property, and of 5ft to the 5ft setback for front and street side yard fences.

APPEAL:

If you wish to appeal this decision, you must do so by November 20, 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.

A handwritten signature in blue ink, appearing to read "Robert Lucero".

Robert Lucero, Esq.
Zoning Hearing Examiner

cc: Isaac Lopez, ilopez@fchclaw.com
ZHE File
Zoning Enforcement