



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

Gonzalo Salazar & Genoveva Villaseca-Chigo request a Tall Wall-Major for a 6-foot wall situated on the front property for Lot 2, Block 10, Buena Ventura Subdivision, located at 204 Espejo Street NE, zoned R-1B (K-20) (IDO Section 14-16-5-7(D)(3); Table 5-7-2 & 14-16-6-6(H))

Special Exception No: **MZP-2025-00032,**
VA-2025-00171
Project No:..... **PR-2025-020183**
Hearing Date:..... 01-20-2026
Closing of Public Record: 01-20-2026
Date of Decision:..... 02-04-2026

On January 20, 2026, Gonzalo Salazar & Genoveva Villaseca-Chigo (“**Applicant**”) was scheduled to appear before the Zoning Hearing Examiner (the “**ZHE**”) requesting a Permit-Wall or Fence-Major for a 6-foot wall situated on the front of property (“**Application**”) upon the real property located at 204 Espejo St NE (the “**Subject Property**”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant requested a Permit-Wall or Fence-Major for a 6-foot wall situated on the front
2. property, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“**IDO**”) Section 14-16-6-6(H).
3. Applicant also requested a variance of 3 feet to the 3-foot minimum wall height in the front yard, pursuant to IDO Section 4-16-6-6(O).
4. Applicant has authority to pursue this Application, pursuant to 14-16-6-4(D).
5. Applicant has not duly authorized Agent to act on Applicant’s behalf regarding the Application.
6. 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).
7. The Planning Director’s delegee has determined that the Application is complete, pursuant to IDO Section 14-16-6-4(G).
8. The analyses and studies listed in IDO Section 14-16-6-4(H) were delivered.
9. The Application was forwarded to commenting agencies pursuant to IDO Section 14-16-6-4(I).
10. The content of the notice of the Application satisfies IDO Section 14-16-6-4(J)(1).
11. 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).
12. Applicant has sent a mailed notice to all property owners within 100 feet of the subject property as required by IDO Section 14-16-6-4(J)(3).
13. Applicant has posted sign notice(s) as required by IDO Section 14-16-6-4(J)(4).

14. The Subject Property is located at 204 Espejo St NE, in a R-1B zone district.
15. 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).
16. Applicant appeared at the January 20, 2026 ZHE hearing on the Application and gave evidence in support of the Application.
17. At the ZHE hearing, Applicant testified under oath that the wall is only 5 feet in height, not 6-feet high, and that he seeks approvals for only the existing 5-foot high wall.
18. Applicant's justification letter confirms that Applicant will make "alterations on the fence to comply with the Cities ordinances and permits."
19. 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.*

20. 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).
21. 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).
22. Based on evidence in the staff report and 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.
23. 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.
24. Based on evidence presented by Applicant, the proposed wall would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community. Provided that the wall is altered to make it view fencing for all portions above 3 feet in height, the wall will not block any clear sight triangle and it will provide for eyes on the street. It appears to be entirely on the Subject Property.
25. Based on evidence presented by Applicant, the design of the wall, once modified to be view fencing on all portions above 3-feet in height, 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. Evidence in the record establish compliance with this requirement.
26. The City Traffic Engineer submitted a report stating no objection to the Application
27. Approval of the Application for a Permit-Wall or Fence-Major would allow a 5 foot tall view fencing to remain, but no taller wall, which would be consistent with Applicant's testimony and evidence of his willingness to modify the wall.
28. Regarding the Application for a Variance, 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.*
29. Applicant did not provide substantial evidence that any special circumstance applies to the Subject Property, is not self-imposed and does not apply generally to other property in the same zone district and vicinity. As such, the variance request must be denied.
30. However, given Applicant's testimony that the fence is only 5-feet tall, and his willingness to modify the wall to comport with IDO requirements (including the conditions of this Notification of Decision), it would appear that the variance is unnecessary.

DECISION:

APPROVAL WITH CONDITIONS of a MZP- Permit-Wall or Fence-Major.

DENIAL of a Variance of 23 feet to the allowed 3-foot wall height in the front yard.

CONDITIONS:

1. The wall must be no taller than 5-feet.
2. All portions of the wall taller than 3-feet must be View Fencing as defined in the IDO.

APPEAL:

If you wish to appeal this decision, you must do so by February 19, 2026, 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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ZHE File
Zoning Enforcement