



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

Opulent Spectrum Inc. C/O ZIA SELECT HOLDINGS 2 LLC (Owner) and Pablo Griego (Applicant) requests a Variance for a 6-foot block wall and gate to the front and side of a property for Lot 28, Block3 North Albuquerque Acres, Unit 3, Tract 3, located at 8509 Alameda Boulevard NE, zoned R-1D (C-20) IDO Section 14-16-5-7(D)(1)(b)(2); Table 5-7-1	Special Exception No:.....	MZP-2026-00006
	Project No:	N/A
	Hearing Date:	03-17-2026
	Closing of Public Record:	03-17-2026
	Date of Decision:.....	04-01-2026

On March 17, 2026, Pablo Griego & Opulent Spectrum Inc C/O Zia Select Holdings 2 LLC (“Applicant”) was scheduled to appear before the Zoning Hearing Examiner (the “ZHE”) requesting a variance to allow a 6 a Variance for a 6-foot block wall and gate to the front and side of a property (“Application”) upon the real property located at 8509 Alameda Blvd NE (the “Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a Variance for a 6-foot block wall and gate to the front and side of a property
2. Applicant has authority to pursue this Application, pursuant to 14-16-6-4(D).
3. Applicant has not 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) were delivered.
7. The Application was 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 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 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).
11. Applicant has posted sign notice(s) as required by IDO Section 14-16-6-4(J)(4).
12. The Subject Property is located at 8509 Alameda Blvd NE, in a R-1D zone district.

13. 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.*
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 March 17, 2026 ZHE hearing on the Application 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 Alameda Boulevard NE, which functions as a minor arterial corridor and is designated as a collector roadway east of I-25 as part of NM-528. Unlike interior residential lots in the same zone district, this property directly abuts a high-volume, fast-moving roadway. The continuous traffic conditions create elevated safety risks, excessive noise, and reduced privacy that are not experienced by similarly zoned properties located on local or residential streets. These circumstances are not self-imposed, but rather are the result of the property’s location and roadway classification. Strict application of the standard three-foot front wall height limitation creates a practical difficulty by preventing the installation of an effective safety and noise-mitigating barrier necessary for the reasonable use and enjoyment of the property.
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. wall and gate will enhance public safety by providing a physical barrier between the residence and Alameda Boulevard, protecting children, pedestrians, and animals from fast-moving traffic. The wall will be set back a minimum of five (5) feet from the property line, consistent with IDO requirements for street side yards abutting major roadways, and will not obstruct visibility for motorists or pedestrians.

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 proposed wall and gate will be constructed entirely on private property, will comply with required setbacks, and will not encroach into public right-of-way or interfere with existing or planned infrastructure. The design and materials will be compatible with the surrounding area and will not negatively affect drainage, access, or utilities. Given the arterial nature of Alameda Boulevard, the wall is consistent with other noise- and safety-mitigating features commonly found along major roadways and will not impose adverse impacts on neighboring properties.
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 negative circumstances.
22. The City Traffic Engineer stated no objection to the Application.

DECISION:

APPROVAL of a Variance for a 6-foot block wall and gate to the front and side of the Subject Property.

APPEAL:

If you wish to appeal this decision, you must do so by April 16, 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.



Robert Lucero, Esq.
Zoning Hearing Examiner

cc: *Opulent Spectrum Inc. C/O Zia Select Holdings 2 LLC (Prop Owner)*

Pablo Griego (Applicant)
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ZHE File
Zoning Enforcement