



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

Taylor Tanqueray (Applicant) requests a Major Wall-Fence Permit to construct a 5-foot view fence on the front and side property line for Lot 4 Block B Lee Acres Subdivision Continuous, for a property located at 637 Solar Rd NW zoned R1-D, IDO Section 14-16-5-7(D)(3)(a)(2), Table 5-7-2

Special Exception No: **MZP-2026-00019**
Project No:.....
Hearing Date:..... 04-21-26
Closing of Public Record: 04-21-26
Date of Decision: 05-06-26

On April 21, 2026, Taylor Tanqueray, (“**Applicant**”) was scheduled to appear before the Zoning Hearing Examiner (the “**ZHE**”) requesting a Permit-Wall or Fence-Major (“**Application**”) upon the real property located at 637 Solar Rd NW. (the “**Subject Property**”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a Permit-Wall or Fence Major, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“IDO”) Section 14-16-6-6(H).
2. Applicant has authority to pursue this Application, pursuant to 14-16-6-4(D).
3. Applicant is not required to offer a meeting with Indian Nations, Tribes, and Pueblos 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,
5. pursuant to IDO Section 14-16-6-4(H).
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 14-16-6-4(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 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 within the R-1 zone with a street facing fence height maximum of 3 feet.

13. Therefore, a 5 ft wall on the Subject Property requires a Permit-Wall or Fence Major Approval pursuant to IDO Subsection 14-16-6-6(H).
14. 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.*
15. There has been some opposition to the request from neighbors.
16. Applicant appeared at the April 21, 2026 ZHE hearing on the Application and gave evidence in support of the Application.
17. The wall is proposed on a lot that meets Criterion 1A, being at least ½ acre.
18. Based on evidence presented by Applicant, the proposed wall would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community. Specifically, Applicant agreed that the fence would be entirely view fencing not to exceed 4-feet inn

height. Although opponents raised concerns regarding pedestrian traffic, Applicant testified that the fence would be set back far enough to not impede pedestrian traffic.

19. Although opponents argued that private covenants prohibit fences such as that proposed by Applicant, the City does not enforce private covenants, which are private agreements among private parties.
20. 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.

DECISION:

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

CONDITIONS OF APPROVAL

1. The fence shall have a height not to exceed 4 feet in height. (Based on agreement with Applicant)
2. The applicant is responsible to acquire all necessary permits, and approval is contingent upon, all applicable permits and related approvals.
3. Fence placement shall meet all required clear sight triangle criteria and must not impede pedestrian traffic.

THIS NOTICE OF DECISION DOES NOT CONSTITUTE APPROVAL OF PLANS FOR A BUILDING PERMIT.

APPEAL:

If you wish to appeal this decision, you must do so by May 21, 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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