

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW, 2nd Floor, Albuquerque, NM 87102
PO Box 1293, Albuquerque, NM 87103
Office (505) 924-3860



ZONING HEARING EXAMINER NOTICE OF DECISION

Special Exception Number: MZP-2026-00032

Project Number: None

Hearing Date: 07-21-26

Closing of Public Record: 07-21-26

Date of Decision: 08-05-26

Case Description: On July 21, 2026, Hector Rios-Rivera (“Owner”) is requesting a Major Wall/Fence Permit to construct a concrete block wall in the front and side setback (“Application”) upon the real property located at 10513 Cartagena Ave SW. Below are the ZHE’s findings of fact and decision:

On July 21, 2026, Hector Rios-Rivera (“Owner”) was scheduled to appear before the Zoning Hearing Examiner (“ZHE”) requesting a Major Wall/Fence Permit to construct a concrete block wall in the front and side setback (“Application”) upon the real property located at 10513 Cartagena Ave SW. (the “Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS, PERMIT – WALL OR FENCE – MAJOR:

1. Applicant is requesting a Permit-Wall or Fence-Major to construct a concrete block wall in the front and side setback of the property, 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 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 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 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 10513 Cartagena Ave SW, in the R-1 zone district.
13. 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).
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 10 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.*
12. 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).
13. 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).
14. Based on photographs, maps and oral evidence presented by Applicant, at least 10 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 applicable yard area.
15. 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.
16. Based on evidence presented by Applicant, the proposed wall would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community. The wall does not block any clear sight triangle and it provides for eyes on the street. It appears to be entirely on the Subject Property.
17. 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. Evidence in the record establish compliance with this requirement.
18. The City Traffic Engineer submitted a report stating no objection to the Application.
19. The applicant is responsible to acquire, and approval is contingent upon, all applicable permits and related approvals.

DECISION:

APPROVAL of a Permit-Wall or Fence-Major for *24 F Atrisco Village Unit J T Subdivision, located at 10513 Cartagena Ave SW.

APPEAL:

If you wish to appeal this decision, you must do so by August 20, 2026. Pursuant to IDO § 14-16-6-4-(U), you must demonstrate that you have legal standing to file an appeal.

PERIOD OF VALIDITY:

Approval of a Permit – Wall or Fence – Major is valid for one (1) year from date of approval.

OTHER REQUIREMENTS:

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

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. If your Application is approved, submit this Notice of Decision when you apply for any related building permit or other necessary permit.



Robert Lucero, Esq.
Zoning Hearing Examiner

cc: Hector Rios Rivera (Owner) (Applicant)
hector.rios.66@hotmail.com
10513 Cartagena AVE SW Albuquerque, NM 87121

ZHE File
Zoning Enforcement

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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PO Box 1293, Albuquerque, NM 87103
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ZONING HEARING EXAMINER NOTICE OF DECISION

Special Exception Number: MZP-2025-00019

Project Number: PR-2025-020086

Hearing Date: 08-19-25

Closing of Public Record: 08-19-25

Date of Decision: 09-03-25

Case Description: Joseph R. & Yvonne Sanchez request a Permit – Wall or Fence – Major for a tall wall at Lot 773, Block 39, Atrisco Village Unit 3A of Hoffman City, located at 1126 Mariano Trail SW, zoned R-1 [IDO § 14-16-5-7(D)(3), Table 5-7-2]

On August 19, 2025, Joseph R. & Yvonne Sanchez (“Applicant”) were scheduled to appear before the Zoning Hearing Examiner (the “ZHE”) requesting a Permit – Wall or Fence – Major (“Application”) upon the real property located at 1126 Mariano Trail SW (the “Subject Property”). Below are the ZHE’s findings of fact and decision.

FINDINGS, PERMIT – WALL OR FENCE – MAJOR:

15. Applicant is requesting a Permit – Wall or Fence – Major, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“IDO”) § 14-16-6-6(H).
16. Applicant [has/does not have] authority to pursue this Application, pursuant to 14-16-6-4(D).
17. Applicant [has/has not] duly authorized Agent to act on Applicant’s behalf regarding the Application.
18. Applicant [has/has not/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 § 14-16-6-4(B).
19. The Planning Director’s delegee has determined that the Application is complete as of [date], pursuant to IDO § 14-16-6-4(G).
20. The analyses and studies listed in IDO § 14-16-6-4(H) [were delivered/are not required].
21. The Application [was referred/was not required to be referred] to commenting agencies pursuant to IDO § 14-16-6-4(I).

22. The content of the notice of the Application [satisfies/does not satisfy] IDO § 14-16-6-4(J)(1).
23. Applicant [has/has not] sent an electronic mail notice to the email addresses on file with the Office of Neighborhood Coordination for Neighborhood Associations within 660 feet as required by IDO § 14-16-6-4(J)(2).
24. Applicant [has/has not] sent mailed notice to all property owners within 100 feet of the subject property as required by IDO § 14-16-6-4(J)(3).
25. Applicant [has/has not] posted sign notice(s) as required by IDO § 14-16-6-4(J)(4).
26. The Subject Property is located [Description of why Property Needs a Permit – Wall or Fence – Major].
27. Therefore, a [Wall Description] on the Subject Property requires a Permit – Wall or Fence – Major pursuant to IDO § 14-16-6(H).
28. IDO § 14-16-6-6(H)(3) (Review and Decision Criteria) reads: “*An application for a Permit – Wall or Fence – Major 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 10 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 not be injurious to adjacent properties, the surrounding neighborhood, or the larger community.*
 - (c) *The design of the wall complies with any applicable standards in § 14-16-5-7 (Walls and Fences), including but not limited to § 14-16-5-7(E)(2) (Articulation and Alignment), § 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 or enhance the quality of walls and fences in the surrounding area.*

29. Applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO § 14-16-6-4(E)(3).
30. Applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO § 14-16-6-4(E)(4).
31. [Applicant/Agent][appeared/failed to appear] at the [Date] ZHE hearing on the Application] and gave evidence in support of the Application].
32. Based on photographs, maps and oral evidence 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.
33. Based on evidence presented by Applicant, the proposed wall [would/would not] strengthen or reinforce the architectural character of the surrounding area. Specifically, Applicant...
34. Based on evidence presented by Applicant, the proposed wall [would not/would] be injurious to adjacent properties, the surrounding neighborhood, or the larger community. Specifically, Applicant....
35. Based on evidence presented by Applicant, the design of the wall [complies/does not comply] with any applicable standard in IDO § 14-16-5-7 (Walls and Fences), including, but not limited to § 14-16-5-7(E)(2) (Articulation and alignment) and § 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.
36. The City Traffic Engineer submitted a comment stating [no objection/objection] to the Application. [(If applicable) describe objection]
37. *IF APPLICABLE* The City Landmarks Commission submitted a comment stating [no objection/objection] to the Application. [no objection/objection] to the Application. [(If applicable) describe objection]
38. *IF APPLICABLE* The City Open Space Division of the City Parks and Recreation Department submitted a comment stating [no objection/objection] to the Application. [no objection/objection] to the Application. [(If applicable) describe objection]
39. *IF APPLICABLE* The City Aviation Department submitted a comment stating [no objection/objection] to the Application. [no objection/objection] to the Application. [(If applicable) describe objection]
40. *IF APPLICABLE* Kirtland Air Force Base submitted a comment stating [no objection/objection] to the Application. [no objection/objection] to the Application. [(If applicable) describe objection]
41. *IF APPLICABLE* [Other Commenting Agencies] submitted a comment stating [no objection/objection] to the Application. [no objection/objection] to the Application. [(If applicable) describe objection]

DECISION:

[APPROVAL(WITH OR WITHOUT CONDITIONS)/DENIAL/DEFERRAL/CONTINUANCE]
of a Permit – Wall or Fence – Major.

CONDITIONS OF APPROVAL:

[Delete if not applicable. If applicable, each condition must be supported by a finding.]

APPEAL:

If you wish to appeal this decision, you must do so by **September 18, 2025**. Pursuant to IDO § 14-16-6-4-(U), you must demonstrate that you have legal standing to file an appeal.

PERIOD OF VALIDITY:

Approval of a Permit – Wall or Fence – Major is valid for one (1) year from date of approval.

OTHER REQUIREMENTS:

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

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. If your Application is approved, submit this Notice of Decision when you apply for any related building permit or other necessary permit.



Robert Lucero, Esq.
Zoning Hearing Examiner

cc: [Applicant/Agent/other interested parties (including, without limitation, parties who submitted evidence or appeared at the ZHE hearing, and commenting agencies)]
ZHE File
Zoning Enforcement