

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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ZONING HEARING EXAMINER NOTICE OF DECISION

Special Exception Number: MZP-2026-0002

Hearing Date: 07-21-2026

Closing of Public Record: 07-21-2026

Date of Decision: 08-05-2026

Case Description: Kathleen Rhinehart request a Permit – Wall or Fence – Major for a tall wall at Lot 57 Block 11 Academy Estates Unit #8, located at 9001 Camino Cometa NE, zoned R-1 [IDO § 14-16-5-7(D)(3), Table 5-7-2]

On July, 21, 2026, Kathleen Rhinehart (“Applicant”) was scheduled to appear before the Zoning Hearing Examiner (“ZHE”) requesting a Permit – Wall or Fence – Major (“Application”) upon the real property located at 9001 Camino Cometa NE (“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, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“IDO”) § 14-16-6-6(H).
2. Applicant has authority to pursue this Application, pursuant to IDO § 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 § 14-16-6-4(B).
5. The Planning Director’s delegee has determined that the Application is complete as of June 30, 2026, pursuant to IDO § 14-16-6-4(G).
6. The analyses and studies listed in IDO § 14-16-6-4(H) are not required.
7. The Application was referred to commenting agencies pursuant to IDO § 14-16-6-4(I).
8. The content of the notice of the Application satisfies IDO § 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 Neighborhood Associations within 660 feet as required by IDO § 14-16-6-4(J)(2).

10. Applicant is not required to send mailed notice to property owners within 100 feet of the subject property as required by IDO § 14-16-6-4(J)(3).
11. Applicant has posted sign notice as required by IDO § 14-16-6-4(J)(4).
12. The Subject Property is located within the R-1 low-density residential zone.
13. Therefore, a wall or fence on the Subject Property requires a Permit – Wall or Fence – Major pursuant to IDO § 14-16-6-6(H).
14. 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 20 percent of the properties with low-density residential development with a side yard abutting the same street as the 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.*
15. 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).
16. 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).
17. Applicant appeared at the ZHE hearing on the Application and gave evidence in support of the Application.

18. 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.
19. 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.
20. 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.
21. 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.
22. The City Traffic Engineer submitted a report stating no objection to the Application

DECISION:

APPROVAL of Case #: MZP-2026-00024, a request for a Courtyard Wall permit, setback 10-feet from property line for Lot 57 Block 11 Academy Estates Unit #8, located at 9001 Camino Cometa, based on the Findings #1-19.

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.

A handwritten signature in dark blue ink, reading "Robert Lucero".

Robert Lucero, Esq.
Zoning Hearing Examiner

cc: Kathleen Rhinehart
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ZHE File
Zoning Enforcement