



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

Claudia Gomez requests a Permit-Wall or Fence-Major for Lot 1, Block 17, Waggoman & Denison Addition, located at 300 General Chennault Street NE, zoned R-1.

Special Exception No.	MZP-2026-00044
Project No.	None
Hearing Date:	08-18-26
Closing of Public Record:	08-18-26
Date of Decision:	09-02-26

On August 18, 2026, Claudia Gomez (“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 300 General Chennault Street NE (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 IDO Section 14-16-6-4(D).
3. Applicant was not required to offer any meeting to Indian Nations, Tribes, and Pueblos no more than 1 calendar year before filing the Application, pursuant to IDO Section 14-16-6-4(B).
4. The Planning Director’s delegee determined that the Application is complete, pursuant to IDO Section 14-16-6-4(G).
5. The analyses and studies listed in IDO Section 14-16-6-4(H) were not required.
6. The Application was forwarded to commenting agencies pursuant to IDO Section 14-16-6-4(I).
7. The content of the notice of the Application satisfies IDO Section 14-16-6-4(J)(1).
8. Applicant sent 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).
9. Mailed notice to property owners was not required for this Application under IDO Table 6-1-1 and Section 14-16-6-4(J)(3).
10. Posted-sign notice was not required for this Application under IDO Table 6-1-1 and Section 14-16-6-4(J)(4).
11. The Subject Property is a corner lot in the R-1 zone district with low-density residential development. The existing wall/fence includes an opaque lower wall, spaced wooden view fencing above 3 feet, and CMU pillars up to 5 feet high.
12. IDO Table 5-7-1 limits a wall in a front or street side yard in a Residential zone district to 3 feet.

13. IDO Table 5-7-2 allows qualifying view fencing above 3 feet to a total height of 5 feet when less than 10 feet from the lot line abutting the street, subject to approval of a Permit-Wall or Fence-Major pursuant to IDO Sections 14-16-5-7(D)(3)(a)2 and 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 for a wall in the front or street side yard of a lot with low-density residential development in or abutting any Residential zone district that meets the requirements in Section 14-16-5-7(D)(3)(a)2 (Exceptions to Maximum Wall Height) and Table 5-7-2 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 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 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 Section 14-16-5-7 (Walls and Fences), including but not limited to Section 14-16-5-7(E)(2) (Articulation and Alignment), Section 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 Section 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 Section 14-16-6-4(E)(4).
17. In order to be approved, the Application must also meet the general review and decision criteria in IDO Subsection 14-16-6-4(M).
18. The Application was heard at the August 18, 2026 ZHE hearing, and the public record closed that date.
19. Based on evidence in the record, the Subject Property meets IDO Section 14-16-6-6(H)(3)(a)3, because at least 10 percent of the properties with low-density residential development having a front yard abutting General Chennault Street NE within the prescribed 330-foot measurement area have a front yard wall or fence over 3 feet.
20. Based on evidence in the record, the proposed wall would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community, as required by IDO Section 14-16-6-6(H)(3)(b). The view-open design maintains visibility. City Transportation and Historical Preservation staff stated no objection, and no negative Neighborhood Association comments had been received.
21. Based on evidence in the record, the wall design complies with IDO Section 14-16-6-6(H)(3)(c), Table 5-7-2, and the applicable standards in Section 14-16-5-7. CMU and wood are acceptable wall materials under Section 14-16-5-7(E)(1). Spaced wooden view-fencing components are used above the 3-foot opaque portion, and the total height does not exceed 5 feet. Repeated CMU pillars spaced approximately 11 feet 6 inches apart break up the wall massing consistent with Section 14-16-5-7(E)(2), and the openings in the view fencing satisfy Section 14-16-5-7(E)(3). The front-façade windows remain visible from the street, and the coordinated CMU-and-wood design reflects or enhances the quality of walls and fences in the surrounding area.
22. The City Traffic Engineer and Historical Preservation staff stated no objection to the Application.

DECISION:

APPROVAL of a Permit-Wall or Fence-Major

APPEAL:

If you wish to appeal this decision, you must do so by September 17, 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 Permit-Wall or Fence-Major is valid for one (1) year from date of approval.



Robert Lucero, Esq.
Zoning Hearing Examiner

cc: Claudia Gomez ("Owner") ("Applicant")
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300 General Chennault Street NE, Albuquerque, NM 87123

ZHE File

Zoning Enforcement