



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

Magdalena Solis requests a Permit-Wall or Fence-Major for Lot 9, Block 30, Waggoman & Denison Addition, located at 432 General Chennault ST NE, zoned R-1

Special Exception No: **MZP-2026-00016**
Project No: **PR-2026-000084**
Hearing Date: **08-18-2026**
Closing of Public Record: **08-18-2026**
Date of Decision: **09-02-2026**

On August 18, 2026, Magdalena Solis (“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 432 General Chennault ST 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 before filing the Application pursuant to IDO Section 14-16-6-4(B) and Table 6-1-1.
4. The Application was deemed complete and was set for a public hearing.
5. The Application was forwarded to commenting agencies pursuant to IDO Section 14-16-6-4(I).
6. The Subject Property is Lot 9, Block 30, Waggoman & Denison Addition, located at 432 General Chennault ST NE in the R-1 zone district.
7. The signed application material describes an existing front view fence measuring 6 feet 3 inches in height. Photographs in the record show a white, open-grid metal fence along the front of the Subject Property, and the submitted site plan labels several posts at 7 feet 6 inches.
8. In a Residential zone district, Table 5-7-1 generally limits a wall in a front yard to 3 feet. A request for a taller wall meeting Section 14-16-5-7(D)(3)(a)2 and Table 5-7-2 requires a Permit-Wall or Fence-Major pursuant to IDO Section 14-16-6-6(H).
9. 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 one-half 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 facade 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."

10. 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).
11. 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).
12. Pursuant to IDO Sections 14-16-6-4(M)(1) and (2), the Application may be approved only if Applicant's justification is sound based on substantial evidence and the specific review and decision criteria in Section 14-16-6-6(H)(3) are satisfied.
13. The evidence does not establish that the Subject Property satisfies any criterion in IDO Section 14-16-6-6(H)(3)(a). The record contains no evidence establishing that the lot is at least one-half acre or fronts a collector, arterial, or interstate highway. It also contains no inventory, map, denominator, property count, or other 330-foot comparison showing that at least 10 percent of the qualifying properties have a front-yard wall or fence over 3 feet, as required by Subsection (a)3.
14. Applicant's signed submission states that the fence will not interfere with public access, traffic visibility, drainage, utilities, or neighboring properties. The City Traffic Engineer submitted a report stating no objection to the Application. The open-grid design shown in the record photographs further supports a finding that the fence would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community. The Application therefore satisfies IDO Section 14-16-6-6(H)(3)(b).
15. The painted steel posts and welded-wire or open-grid metal fencing shown and described in the record are acceptable wall materials under IDO Section 14-16-5-7(E)(1). No prohibited barbed tape, razor wire, barbed wire, or similar material is shown.
16. The evidence does not establish compliance with IDO Sections 14-16-5-7(C)(1) and (2). Although Applicant asserts that the fence remains within the property boundaries, the submitted site plan does not locate the street-abutting lot line, public right-of-way, easements, or any applicable clear-sight triangle in relation to the fence.
17. The evidence does not establish compliance with IDO Section 14-16-5-7(D)(3)(a)2 and Table 5-7-2. The signed submission describes a 6-foot-3-inch fence, while the site plan labels several posts at 7 feet 6 inches, and the record does not establish wall height measured from the applicable finished grade, the fence's distance from the street-abutting

lot line, or a quantified opacity percentage. The stated 6-foot-3-inch height exceeds the Table 5-7-2 maximum under either setback option and requires separate Variance approval pursuant to IDO Sections 14-16-5-7(D)(1)(b) and 14-16-6-6(H)(1)(b).

18. The evidence does not establish compliance with IDO Section 14-16-5-7(E)(2). Although the photographs and site plan show vertical posts, the record does not provide the projection, interval, offset, curvature, or terracing measurements necessary to establish any articulation and alignment option in that Section.
19. The photographs show openings distributed throughout the length of the open-grid metal fence and establish compliance with the openings option in IDO Section 14-16-5-7(E)(3)(a).
20. The evidence does not establish that the fence would avoid blocking every portion of each window on the front facade of the primary building when viewed from 5 feet above ground level at the centerline of the street, as required by IDO Section 14-16-6-6(H)(3)(c)1. The record does not establish that any photograph was taken from the required height and location.
21. The evidence does not establish that the fence design and materials reflect or enhance the quality of walls and fences in the surrounding area, as required by IDO Section 14-16-6-6(H)(3)(c)2. The record contains no inventory or comparative photographs of surrounding walls and fences.
22. Because the evidence does not establish any criterion in IDO Section 14-16-6-6(H)(3)(a), compliance with Section 14-16-5-7(D)(3)(a)2 and Table 5-7-2, or all requirements in IDO Section 14-16-6-6(H)(3)(c), Applicant has not carried the burden imposed by IDO Sections 14-16-6-4(E)(3)-(4) and 14-16-6-4(M).

DECISION:

DENIAL 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.

This Notice of Decision does not constitute approval of plans for a building permit.



Robert Lucero, Esq., Zoning Hearing Examiner

cc: Magdalena Solis; ZHE File; Zoning Enforcement