

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

Special Exception Number: VA-2026-00085

Project Number: PR-2026-000092

Hearing Date: 08-18-2026

Closing of Public Record: 08-18-2026

Date of Decision: 09-02-2026

Case Description: Brannon Dugick requests a Variance to opacity for a tall wall at Lot 1 Block 3 La Hacienda & W 64 Ft Lot 2 located at 3600 Calle Del Ranchero NE, zoned R-1 [IDO § 14-16-5-7(D)(3), Table 5-7-2]

On August 18, 2026, Brannon Dugick (“Applicant”) was scheduled to appear before the Zoning Hearing Examiner (“ZHE”) requesting a Variance to Opacity (“Application”) upon the real property located at 3600 Calle Del Ranchero NE (“Subject Property”). Below are the ZHE’s findings of fact and decision.

FINDINGS, for VARIANCE:

1. The applicant requests a Variance to height in conjunction with a major zoning permit for a tall wall for Lot 1 Block 3 La Hacienda & W 64 Ft Lot 2 located at 3600 Calle Del Ranchero NE and containing approximately 0.37 acres, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“IDO”) § 14-16-6-6(O).
2. Applicant has authority to pursue this Application, pursuant to IDO § 14-16-6-4(D).
3. The Planning Director’s delegee has determined that the Application is complete as of June 13, 2026, pursuant to IDO § 14-16-6-4(G).
4. The analyses and studies listed in IDO § 14-16-6-4(H) are not required.
5. The Application was referred to commenting agencies pursuant to IDO § 14-16-6-4(I).
6. The content of the notice of the Application satisfies IDO § 14-16-6-4(J)(1).

7. 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).
8. Applicant has sent mailed notice to all property owners within 100 feet of the subject property as required by IDO § 14-16-6-4(J)(3).
9. Applicant has posted sign notice(s) as required by IDO § 14-16-6-4(J)(4).
10. The Subject Property is located in the R-1 zone district.
11. For low-density residential development, IDO § 14-16-5-7(D)(3)1, the maximum height of a wall in the front yard setback is 3-feet.
12. Therefore, a wall or fence over 3-feet on the Subject Property requires a Permit – Wall or Fence –Major pursuant to IDO § 14-16-6-6(H), which requires no more than 50 percent opacity for that part of a wall over 3-feet.
13. A solid fence or wall over 3-feet within the front setback requires a Variance to Opacity– ZHE pursuant to IDO § 14-16-6-6(O).
14. Therefore, a Variance – ZHE is required for a solid wall within the front setback.
15. IDO § 14-16-6-6(O)(3)(a) (Review and Decision Criteria) is quoted in italics. The finding related to each criterion follows. “An application for a Variance – ZHE shall be approved if it meets all of the following criteria.
 1. *There are special circumstances applicable to a single lot that are not self-imposed and that do not apply generally to other property in the same zone district and vicinity, including but not limited to size, shape, topography, location, surroundings, physical characteristics, natural forces, or by government actions for which no compensation was paid. Such special circumstances of the lot either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or economic return on the property, or practical difficulties result from strict compliance with the minimum standards.*
 2. *The Variance will not be materially contrary to the public safety, health, or welfare.*
 3. *The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.*
 4. *The Variance will not materially undermine the intent and purpose of this IDO, the*
 5. *The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.*
16. Applicant appeared at the ZHE hearing on the Application and gave evidence in support of the Application.
17. Based on photographs, maps and oral evidence presented by Applicant, special circumstances apply to the Subject Property that are not self-imposed and that do not apply generally to other property in the same zone district and vicinity, including the location of the Subject Property as s corner lot along the heavily trafficked Carlisle Blvd. only one block south of a major commercially zoned intersection, as well as the nature and shape of preexisting improvements on the Subject Property. These special circumstances result in

practical difficulties with strict compliance with the minimum standard and create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use and enjoyment of the Subject Property.

18. Regarding whether the requested variance will not be materially contrary to the public safety, health, or welfare:
 - a. City Transportation identified sight-distance concerns associated with opaque portions of the fence near driveways and corner areas and recommended view fencing above 3 feet in certain designated segments; namely, 11 linear feet from (a) both sides of each entrance gate along Calle del Ranchero, (b) the NE corner of the Subject Property, and (c) the SE corner of the Subject Property. Transportation had no objection to the other portions of the fence.
 - b. In response, Applicant revised the proposal to replace the Transportation-identified portions above 3 feet with view fencing, with the exception of the SW corner, and submitted a marked site plan identifying those portions, which is shown on page C of the Staff Report in the record on this matter.
 - c. Applicant proposed installation of a 24-inch outdoor convex traffic-safety mirror at the Carlisle Boulevard driveway exit, oriented north along Carlisle Boulevard, to provide exiting drivers with a view of approaching southbound traffic and sidewalk pedestrians. Applicant submitted photographs showing the proposed location and viewing direction.
 - d. The traffic mirror and required view-fencing modifications are reasonably related to the sight-distance concerns in the record. As conditioned, the Variance will not be materially contrary to public safety, health, or welfare and will not cause significant material adverse impacts on surrounding properties or infrastructure improvements. IDO Sections 14-16-6-6(O)(3)(a)2 and 3 are satisfied.
19. The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity. See findings, above, regarding the requested variance not being materially contrary to the public safety, health, or welfare. Also, no infrastructure is impacted by the variance.
20. The Variance will not materially undermine the intent and purpose of this IDO. Applicant submitted evidence that he will comply with all other requirements of the IDO and the conditions of this variance.
21. The requested six-foot fence requires only a one-foot Variance from the otherwise applicable five-foot maximum. The requested Variance is the minimum necessary to maintain alignment with the existing entrance gates and supporting elements and avoid the identified practical difficulties.

DECISION:

APPROVAL WITH CONDITIONS of the requested Variance to fence opacity.

CONDIITONS:

1. Applicant shall install the proposed 24-inch outdoor convex traffic-safety mirror at the Carlisle Boulevard driveway exit, oriented north along Carlisle Boulevard to provide exiting drivers with a view of approaching southbound traffic and sidewalk pedestrians. Applicant shall coordinate the mirror's final placement and orientation with the City Transportation Department and shall obtain any authorization required for mounting at the proposed location. Applicant shall thereafter maintain the mirror in effective condition for the duration of the approved fence.
2. The following portions of the fence above 3 feet fronting Calle de Ranchero will be modified to provide no more than 50 percent opacity: 11 linear feet from (a) both sides of each entrance gate along Calle del Ranchero, and (b) the NE corner of the Subject Property.

APPEAL:

If you wish to appeal this decision, you must do so by September 17, 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 Variance 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.



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ZHE File

Zoning Enforcement