

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

Special Exception Number: MZP-2026-00031

Project Number: PR-2026-000064

Hearing Date: 08-18-26

Closing of Public Record: 08-18-26

Date of Decision: 09-02-26

Case Description: Enrique Rodriguez (“Owner”) & Enrico Gradi (“Agent”) request a Wall Permit – Major for a 6 foot tall Wall/Fence on the front, west side yard setback of the property on LOT 5 BLOCK 5 PLAT OF VALENCIA ESTATES SUBDIVISIONCONT .1155 AC, located at 7924 Stephan Rd SW zoned R-1 IDO § 14-16-5-7(D)(2), 14-16-6-6(H)(3), Table 5-7-1.

On August 18, 2026, Enrique Rodriguez (“Owner”) & Enrico Gradi (“Agent”) was scheduled to appear before the Zoning Hearing Examiner (“ZHE”) requesting a Permit – Wall or Fence – Major (“Application”) upon the real property located at 7924 Stephan Rd SW (“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 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).
5. The Planning Director’s delegee has determined that the Application is complete, 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 was required to post mailed notice to all property owners within 100 feet of the subject property as required by IDO § 14-16-6-4(J)(3).
11. Applicant was required to post sign notice(s) as required by IDO § 14-16-6-4(J)(4).
12. The Subject Property is located in the R-1 zone district, where the maximum allowed height of a Wall/Fence in the front of the property is limited to 3 feet high pursuant to IDO Table 5-7-1 Maximum Wall Height.
13. For low-density residential development in or abutting a Residential zone district where wall height in any front or street side yard is restricted to 3 feet by Table 5-7-1, a request for a taller wall that meets the height and location standards in Table 5-7-2 shall require Permit – Wall or Fence – Major pursuant to § 14-16-6-6(H).
14. Therefore, a wall or fence on the Subject Property taller than 3 feet requires a Permit – Wall or Fence – Major pursuant to IDO § 14-16-6-6(H).
15. 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 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 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.*
16. 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).
17. 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).
18. Agent appeared at the August 18, 2026, ZHE hearing on the Application and gave evidence in support of the Application.
19. 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 front yard area.
20. Based on evidence presented by Applicant, the existing wall strengthens or reinforces the architectural character of the surrounding area. Specifically, Applicant has constructed a wall incorporating brick and decorative metal which is consistent with the architectural character of the existing home and similar to abutting residences.
21. Based on evidence presented by Applicant, the existing wall is not be injurious to adjacent properties, the surrounding neighborhood, or the larger community. Specifically, the location, scale, materials, and design of the wall are comparable with established development patterns in the area.
22. Based on evidence presented by Applicant, the design of the wall complies with the applicable standards 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.
23. The City Traffic Engineer and Historical Preservation staff submitted a report stating no objection to the Application.

DECISION:

APPROVAL of a Permit – Wall or Fence – Major to allow a 6-foot tall Wall/Fence in the front setback of the property in LOT 5 BLOCK 5 PLAT OF VALENCIA ESTATES SUBDIVISION CONT .1155 AC, located at 7924 Stephan Rd SW.

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 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.



Brennon Williams
Zoning Hearing Examiner

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ZHE File
Zoning Enforcement