

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

Special Exception Number: VA-2026-00068

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”) and Enrico Gradi -YES Housing Inc. (“Applicant”) request a Variance of 3 feet to the allowed 3-foot Wall/Fence height on the front, west side yard setback of the property for Lot 5 Block 5 Plat of Valencia Estates Subdivision Continuous, located at 7924 Stephan Rd SW, zoned R-1. IDO Section: β;14-16 5-7(D)(2), Table 5-7-1

On August 18, 2026, Enrico Gradi - YES Housing Inc. (“**Applicant**”) Enrique Rodriguez (“**Owner**”) was scheduled to appear before the Zoning Hearing Examiner (“**ZHE**”) requesting a Variance of 3-feet to the allowed 3-foot Wall/Fence height in the front, side yard setback (“**Application**”) upon the real property located at 7924 Stephan Rd SW. (“**Subject Property**”). Below are the ZHE’s findings of fact and decision:

FINDINGS, VARIANCE TO MAXIMUM WALL HEIGHT:

1. Applicant is requesting a Variance of 3-feet to the allowed 3-foot Wall/Fence height in the front, side yard setback of the property pursuant to the City of Albuquerque Code of Ordinances Integrated Development Ordinance (“**IDO**”) Section 14-16-6-6(O).
2. Applicant has authority to pursue this Application, pursuant to 14-16-6-4(D).
3. Applicant has duly authorized an 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, pursuant to IDO Section 14-16-6-4(B).

5. The Planning Director's delegee has determined that the Application is complete, pursuant to IDO Section 14-16-6-4(G).
6. The analyses and studies listed in IDO Section 14-16-6-4(H) are not required.
7. The Application was forwarded to commenting agencies pursuant to IDO Section 14-16-6-4(I).
8. The content of the notice of the Application satisfies IDO Section 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 each pertinent Neighborhood Association as required by IDO Section 14-16-6-4(J)(2).
10. Applicant has sent a mailed notice to all property owners within 100 feet of the subject property as required by IDO Section 14-16-6-4(J)(3).
11. Applicant has posted sign notice(s) as required by IDO Section 14-16-6-4(J)(4).
12. The Subject Property is located at 7924 Stephan Rd SW. The existing wall at the subject property is approximately 6 feet tall. Pursuant to IDO Section Table 5-7-1 in the R-1 zone district, walls and fences in the front setback of the property are allowed up to 3 feet high.
13. Therefore, a wall or fence on the Subject Property requires a Variance pursuant to IDO Subsection 14-16-6-6(O)(3).
14. IDO Section 14-16-6-6(O)(3)(a) (Review and Decision Criteria– Variance) reads: "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 applicable zone district, or any applicable Overlay Zone.
 5. The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties."
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. Applicant appeared at the August 18, 2026 ZHE hearing on the Application and gave evidence in support of the Application.

18. Based on evidence presented by Applicant, it appears that there are special circumstances applicable to the Subject Property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid, as required by IDO § 14-16-6-6(O)(3)(a)(1). Specifically, the existing wall is an established physical condition of the subject property and requiring modification at this time would impose a disproportionate hardship compared to any zoning benefits achieved. Preservation of the existing condition will not adversely affect the public interest or neighboring properties.
19. Based on evidence presented by Applicant, the existing wall is not injurious to adjacent properties, the surrounding neighborhood, or the larger community. Specifically, the location, scale, materials, and design of the wall are comparable with existing development patterns in the area.
20. Based on evidence presented by Applicant, the design of the wall complies with the applicable standards 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.
21. The City Traffic Engineer and Historical Preservation staff submitted a report stating no objection to the Application.

DECISION:

APPROVAL of a Variance of 3 feet to the allowed 3-foot Wall/Fence height in the front, side yard setback of the property for Lot 5 Block 5 Plat of Valencia Estates Subdivision Continuous, 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 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.



Brennon Williams
Zoning Hearing Examiner

cc: ("Owner") Enrique Rodriguez
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ZHE File
Zoning Enforcement