

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW, 2nd Floor, Albuquerque, NM 87102
PO Box 1293, Albuquerque, NM 87103
Office (505) 924-3860



ZONING HEARING EXAMINER

NOTICE OF DECISION

Special Exception Number: VA-2026-00097

Project Number: PR-2026-000149

Hearing Date: 08-18-26

Closing of Public Record: 08-18-26

Date of Decision: 09-02-26

Case Description: William Stough (Owner) & Dawn Dunne (Applicant) request a Variance for a 6-foot fence for Lot 25, 7, 6, 5, 2, 3, 1, 8, 4, Block G, Atlantic & Pacific Addition, located at 701 2nd St SW, zoned R-ML (K-14) [IDO § 14-16-5-7(D) Table 5-7-1]

On August 18, 2026, William Stough and Dawn Dunne (“Applicant”) (“Owner”) was scheduled to appear before the Zoning Hearing Examiner (the “ZHE”) requesting a Variance for a 6-foot fence (“Application”) upon the real property located at 701 2nd Street SW (the “Subject Property”). Below are the ZHE’s findings of fact and decision.

FINDINGS, VARIANCE TO MINIMUM WALL/FENCE SETBACK:

1. Applicant is requesting a Variance for a 6-foot perimeter fence to be built on the property, 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. 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 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).
11. Applicant has posted sign notice(s) as required by IDO § 14-16-6-4(J)(4).
12. The Subject Property is located in the R-ML zone district, which allows a maximum height of 6-feet in any front or street side yard for multi-family residential development 6-foot perimeter fence on the property. Pursuant to IDO Table 14-16-5-7(D)(3)(b), Table 5-7-1.
13. Although zoned for Multi-family Residential Low Density (R-ML), the use on the property is non-residential; therefore the application does not meet the criteria to build a 6-foot-high, opaque wall/fence on the perimeter property line.
14. Therefore, a Variance request of 3 feet to the required 3-foot height requirement to allow a 6-foot-high fence in the front of the Subject Property requires a Variance – ZHE pursuant to IDO § 14-16-6-6(O).
15. IDO § 14-16-6-6(O)(3)(a) (Review and Decision Criteria) 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.”*
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. Based on evidence submitted by or on behalf of 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, and 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, as required by Section 14-16-6-6(O)(3)(a)(1). The pre-existing conditions of the Subject Property create special circumstances under which practical difficulties result from strict compliance with the minimum standards.

19. Based on evidence submitted by or on behalf of Applicant, the Variance will not be contrary to the public safety, health and welfare of the community as required by Section 14-16-6-6(O)(3)(a)(2). No safety, health or welfare concerns are implicated in the record without sufficient mitigation.
20. Based on evidence submitted by or on behalf of Applicant, the Variance will not cause significant adverse material impacts on surrounding properties or infrastructure improvements in the vicinity as required by Section 14-16-6-6(O)(3)(a)(3). The variance requested does not impose upon neighboring properties.
21. Based on evidence submitted by or on behalf of Applicant, the Variance will not materially undermine the intent and purpose of the IDO or applicable zone district as required by Section 14-16-6-6(O)(3)(a)(4). The development of the property is consistent with the IDO and the Application merely seeks to rectify a variance situation.
22. Based on evidence submitted by or on behalf of Applicant, the Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties as required by Section 14-16-6-6(O)(3)(a)(5). Applicant requests only the minimum required to accommodate the development of the Subject Property.

DECISION:

APPROVAL of a Variance for a 6-foot fence for Lot 25, 7, 6, 5, 2, 3, 1, 8, 4, Block G, Atlantic & Pacific Addition, 0.6428 AC, located at 701 2nd Street 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.

A handwritten signature in blue ink, appearing to read "Robert Lucero".

Robert Lucero, Esq.
Zoning Hearing Examiner

cc: ("Owner") William Stough, ssough@stoughgroup.com
("Applicant") Dawn Dunne, Stough Development Corp., ddunne@stoughgroup.com
ZHE File
Zoning Enforcement