

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-2026-00104

Project Number: None

Hearing Date: 08-18-26

Closing of Public Record: 08-18-26

Date of Decision: 09-02-26

Case Description: Eddie Espinosa (“Owner”) & Miguel Delgado (“Agent”) request a Variance of 2 feet to install an 8-foot height security fence for Lot RA1, Block 0000, Menaul Development Area, located at 2007 Candelaria Rd NE, zoned NR-LM (H-15), IDO β 14-16-5-7, Table 5-7-1.

On August 18, 2026, Eddie Espinosa (“Owner”) & Miguel Delgado (“Agent”) were scheduled to appear before the Zoning Hearing Examiner (“ZHE”) requesting a Variance to install an 8-ft height security fence for Lot RA1, Block 0000, Menaul Development Area, located at 2007 Candelaria Rd NE, zoned NR-LM (H-15) (“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 2 feet to the allowed 6-foot maximum Wall/Fence height in the front of 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 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 § 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 at 2007 Candelaria Rd NE in the NR-LM zone district.
13. The request does not meet all the applicable requirements in IDO Section 14-16-5-7(D) in the NR-LM zone district of Table 5-7-1 where the Maximum Wall Height is allowed to be 6 feet tall.
14. Therefore, a Variance – ZHE is required for an 8-foot-tall wall less than 10 feet from the property line pursuant to IDO § 14-16-6-6(O)(3)
15. 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.*
16. 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).
17. 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).
18. Applicant appeared at the August 18, 2026 ZHE hearing on the Application and gave evidence in support of the Application.
19. Based on evidence submitted by or on behalf of Applicant, it appears that there are no 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). Applicant cites location of the Subject Property near the Interstate 25 Frontage Road intersection as a special circumstance, but there are many other properties in this area that are likewise bound by a 6-foot height requirements for fences within 10 feet of the property line. Generalized concerns regarding crime in the area are not special circumstances, because they apply equally to all properties in the area. The record does not appear to contain substantial evidence that there is something particularized to the Subject Property – the lot itself – that would constitute a special circumstance.

20. Because the Application must meet all applicable criteria, and the criterion discussed above regarding special circumstances has not been met, the Application must be denied. The ZHE will not examine the remainder of the criteria, in the interest of quasi-judicial economy.

DECISION:

DENIAL of a Variance of 2-feet to the allowed 6 foot Wall/Fence height of the property for TR R-A-1 OF REPL OF PART OF TR R & TR A-1 MENAUL DEVELOPMENT AREA CONT 1.4804 AC, located at 2007 Candelaria Rd NE.

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.



Robert Lucero, Esq.
Zoning Hearing Examiner

cc: (“Owner”), Eddie Espinosa
eespinosa@galles.com
5171 Vista De Luz Dr. NW, Albuquerque, NM 87107

(“Applicant”)(“Agent”), Miguel Delgado
unitedpavingnm@gmail.com
3724 Bridge Blvd SW Albuquerque, NM 87121

ZHE File
Zoning Enforcement