

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW, 2nd Floor, Albuquerque, NM 87102
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ZONING HEARING EXAMINER NOTICE OF DECISION

Special Exception Number: VA-2026-000118

Project Number: PR-2026-000133

Hearing Date: 08-18-26

Closing of Public Record: 08-18-26

Date of Decision: 09-02-26

Case Description: Carmen Alcantar (“Applicant”) (“Owner”) requests to add 1 foot to a 6-foot-tall wall on the side and back lot line of the property for Lot 14B1, Block 1, LA MARIPOSA SOUTH, located at 5171 Vista De Luz Dr NW, zoned R-1C (E-11) IDO § 14-16-5-7, Table 5-7-1.

On August 18, 2026, Carmen Alcantar (“Applicant”) (“Owner”) was scheduled to appear before the Zoning Hearing Examiner (“ZHE”) requesting a Variance to add 1-foot to an existing 6-foot wall on the side and back lot line (“Application”) upon the real property located at 5171 Vista De Luz Dr NW (“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 1 foot to the approved 6-foot maximum Wall/Fence height 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 5171 Vista De Luz Dr NW in the R-1 zone district.
13. The request does not meet all the applicable requirements in the R-1 zone of the IDO requirements in Table 5-7-1 for a Maximum Wall Height of 7 feet tall.
14. Therefore, a Variance – ZHE is required for a 7-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 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 Subject Property is located along a sloped portion of Dellyne Avenue NW, which exposes the uphill portions of the Subject Property to views over the downhill wall. The Subject Property juts out along Dellyne Ave and Sista de la Luz Drive like a sharp peninsula, further aggravating the lack of privacy. These circumstances constitute a substantial and unjustified limitation on the reasonable use and enjoyment of the property.

20. 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. City Transportation submitted a report stating no objection to the requested fence height variance.
21. 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, because the variance area is adjacent only to public street right of way, and the variance does not impact infrastructure.
22. 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.
23. 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 appropriate development of the Subject Property.

DECISION:

APPROVAL of a Variance of 1-foot to the allowed 6 feet for a Wall/Fence of the property for LT 14-B-1 BLK 1 PLAT OF LOTS 14-A-1 & 14-B-1 BLOCK 1LA MARIPOSA SOUTH CONT .1856 AC, located at 5171 Vista De Luz Dr NW.

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") ("Applicant") Carmen Alcantar
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5171 Vista De Luz Dr. NW, Albuquerque, NM 87120

ZHE File
Zoning Enforcement