



CITY OF ALBUQUERQUE  
OFFICE OF ADMINISTRATIVE HEARINGS  
ZONING HEARING EXAMINER  
NOTIFICATION OF DECISION

Brenda Mendez requests a Permit-Wall or Fence-Major for LT 9-P1 BLK 2 PLAT FOR EL RANCHO GRANDE I UNIT 1-BCONT .1159 AC, located at 8923 Skylight Ave SW, zoned PD

Special Exception No: **MZP-2026-00052**  
Project No: **None**  
Hearing Date: **09-15-2026**  
Closing of Public **09-15-2026**  
Record:  
Date of Decision: **09-30-2026**

On September 15, 2026, **Brenda Mendez** (“Applicant”) appeared before the Zoning Hearing Examiner (the “**ZHE**”) requesting a Permit-Wall or Fence-Major (“**Application**”) upon the real property located at 8923 Skylight Ave SW (“**Subject Property**”). Below are the ZHE’s findings of fact and decision:

**FINDINGS:**

1. Applicant is requesting a Permit-Wall or Fence-Major, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“IDO”) Section 14-16-6-6(H).
2. Applicant has authority to pursue this Application pursuant to IDO Section 14-16-6-4(D).
3. Applicant has not authorized an agent to act on Applicant’s behalf regarding the Application.
4. Applicant was not required to offer a meeting to Indian Nations, Tribes, and Pueblos before filing the Application pursuant to IDO Section 14-16-6-4(B).
5. The Planning Director’s designee determined that the Application was complete as of August 28, 2026, pursuant to IDO Section 14-16-6-4(G).
6. The analyses and studies listed in IDO Section 14-16-6-4(H) were 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. Electronic mail notice under IDO Section 14-16-6-4(J)(2) was not required because the Office of Neighborhood Coordination identified no pertinent Neighborhood Association within 660 feet of the Subject Property.
10. The Subject Property is zoned PD, contains low-density residential development, and abuts an R-1 zone district. Substantial evidence in the record demonstrates that the front-yard wall or fence is subject to the 3-foot maximum wall height in Table 5-7-1 and the provisions of IDO Section 14-16-5-7(D)(3)(a)2.
11. Applicant requested approval of an approximately 50-foot-long wall and fence along the front lot line, including a 20-foot rolling gate and a 3-foot pedestrian gate. Applicant clarified through sworn testimony that the requested maximum overall height is 5 feet.
12. Because the requested front-yard wall or fence exceeds 3 feet in height and meets the height and location standards in Table 5-7-2, it requires a Permit-Wall or Fence-Major pursuant to IDO Sections 14-16-5-7(D)(3)(a)2 and 14-16-6-6(H).

13. IDO Section 14-16-6-6(H)(3) (Review and Decision Criteria for a Permit-Wall or Fence-Major) reads: “An application for a Permit – Wall or Fence – Major for a wall in the front or street side yard of a lot with low-density residential development in or abutting any Residential zone district that meets the requirements in Section 14-16-5-7(D)(3)(a)2 (Exceptions to Maximum Wall Height) and Table 5-7-2 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 20 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 Section 14-16-5-7 (Walls and Fences), including but not limited to Section 14-16-5-7(E)(2) (Articulation and Alignment), Section 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.”*

14. 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).
15. 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).
16. In order to be approved, the Application must also meet the general review and decision criteria in IDO Section 14-16-6-4(M).
17. Applicant appeared at the September 15, 2026 ZHE hearing, gave sworn testimony, and presented evidence in support of the Application.
18. The Subject Property contains approximately 0.1159 acre and fronts Skylight Avenue SW, which is a local street. The request concerns a front-yard wall or fence, not a street-side-yard wall. Accordingly, the alternatives in IDO Section 14-16-6-6(H)(3)(a)1, 2, and 4 do not apply.
19. Substantial evidence in the record demonstrates that 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 have a

front-yard wall or fence over 3 feet. The applicable criterion in IDO Section 14-16-6-6(H)(3)(a)3 is satisfied.

20. Substantial evidence in the record demonstrates that the proposed wall or fence will not be injurious to adjacent properties, the surrounding neighborhood, or the larger community. The design includes a limited masonry base, masonry pilasters or columns, and an open-view upper portion, and no reviewing agency identified an adverse traffic, visibility, historic-preservation, or neighborhood impact. The criterion in IDO Section 14-16-6-6(H)(3)(b) is satisfied.
21. Substantial evidence in the record demonstrates that the proposed wall or fence will be located on the Subject Property, will not encroach into the public right-of-way or onto adjacent property, and will not violate an applicable clear-sight-triangle requirement. The proposal complies with IDO Section 14-16-5-7(C)(1) and (2).
22. Substantial evidence in the record demonstrates that the wall or fence is located less than 10 feet from the lot line abutting the street, is limited to a maximum overall height of 5 feet, and uses view fencing no more than 50 percent opaque for the portion above 3 feet. The proposal complies with IDO Section 14-16-5-7(D)(3)(a)2 and Table 5-7-2.
23. The proposed wall or fence uses a CMU or masonry base and pilasters or columns together with tubular-steel or similar open-view fencing. Substantial evidence in the record demonstrates that these are acceptable materials and that exposed flat-faced CMU will not constitute more than 50 percent of the wall facing the public street. The proposal complies with IDO Section 14-16-5-7(E)(1).
24. Substantial evidence in the record demonstrates that the design incorporates masonry pilasters or decorative columns that meet the applicable projection and spacing requirements and break up the massing of the street-facing wall. The proposal complies with IDO Section 14-16-5-7(E)(2) (Articulation and Alignment).
25. Substantial evidence in the record demonstrates that the portion of the wall or fence over 3 feet includes openings distributed throughout its length, created by open-view tubular-steel or similar grillwork, equal to at least 5 percent of the wall surface. The proposal complies with IDO Section 14-16-5-7(E)(3)(a) (Wall Design).
26. Substantial evidence in the record demonstrates that the wall or fence will not block the view of any portion of a 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, as required by IDO Section 14-16-6-6(H)(3)(c)1.
27. Substantial evidence in the record demonstrates that the masonry base and pilasters or columns, together with the open-view upper portion, reflect or enhance the quality of walls and fences in the surrounding area, as required by IDO Section 14-16-6-6(H)(3)(c)2.
28. Based on Findings 21 through 27, the design of the proposed wall or fence complies with the applicable standards in IDO Section 14-16-5-7 and satisfies IDO Section 14-16-6-6(H)(3)(c).
29. Planning staff reported that the City Transportation and Historic Preservation reviewers had no objection to the Application.
30. The Application concerns a wall or fence, which is a site feature, and does not request approval of a new or changed land use. No use-specific standard in IDO Section 14-16-4-3 applies.
31. The Applicant's justification for the request is sound based on substantial evidence, as required by IDO Section 14-16-6-4(M)(1).
32. The Application satisfies the specific review and decision criteria in IDO Section 14-16-6-6(H)(3), as required by IDO Section 14-16-6-4(M)(2).

33. Because IDO Section 14-16-6-6(H)(3) provides specific review and decision criteria for this Application, IDO Section 14-16-6-4(M)(3) does not apply.
34. The record contains no evidence establishing a ground for discretionary denial under IDO Section 14-16-6-4(M)(4).

DECISION:

**APPROVAL** of a Permit-Wall or Fence-Major for a wall or fence with a maximum overall height of 5 feet for LT 9-P1 BLK 2 PLAT FOR EL RANCHO GRANDE I UNIT 1-BCONT .1159 AC, located at 8923 Skylight Ave SW, based on the preceding Findings.

APPEAL:

If you wish to appeal this decision, you must do so by October 15, 2026 pursuant to Section 14-16-6-4-(U), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This Notice of Decision does not constitute approval of plans for a building permit. If your Application is approved, bring this Notice of Decision with you when you apply for any related building permit or occupation tax number.



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ZHE File  
Zoning Enforcement