



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

Pete M. Armijo (“Owner”) requests a Permit – Wall or Fence – Major for Lot 205, Block 11, Atrisco Village Unit 1, located at 1201 Clemente Street SW, zoned R-1.

Special Exception No:	MZP-2026-00050
Project No:	PR-2026-000144
Hearing Date:	09-15-26
Closing of Public Record:	09-15-26
Date of Decision:	09-30-26

On September 15, 2026, Pete M. Armijo (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a Permit – Wall or Fence – Major (“Application”) upon the real property located at 1201 Clemente Street 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 did not designate an agent and appeared on his own behalf.
4. Applicant was 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 designee determined that the Application was complete 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 complied with the applicable requirements of IDO Section 14-16-6-4(J)(1).
9. Applicant complied with the applicable electronic-mail notice requirements of IDO Section 14-16-6-4(J)(2).
10. Applicant complied with the applicable mailed-notice requirements of IDO Section 14-16-6-4(J)(3).
11. Applicant complied with the applicable posted-sign notice requirements of IDO Section 14-16-6-4(J)(4). Any earlier notice deficiency was cured by revised notice before the hearing.
12. The Subject Property is Lot 205, Block 11, Atrisco Village Unit 1, located at 1201 Clemente Street SW, and is zoned R-1. The application materials, wall plan, photographs, staff report, and hearing testimony establish that the existing wall/fence is approximately 6 feet high and approximately 30 feet long in the front yard and consists of a CMU base, pilasters, and open white vinyl pickets above the 3-foot height.
13. Because the Subject Property contains low-density residential development in a Residential zone district and the requested front-yard wall is taller than the 3-foot maximum in Table 5-7-1, the request 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). A request for a wall taller than allowed through that process also requires a Variance pursuant to IDO Section 14-16-6-6(H)(1)(b).

14. IDO Section 14-16-6-6(H)(3) (Review and Decision Criteria for a Permit – Wall or Fence – Major) provides:
- “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 § 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 § 14-16-5-7 (Walls and Fences), including but not limited to § 14-16-5-7(E)(2) (Articulation and Alignment), § 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.”*

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. In order to be approved, the Application must also meet the general review and decision criteria in IDO Section 14-16-6-4(M).

18. Applicant appeared at the September 15, 2026 ZHE hearing and gave testimony and evidence in support of the Application.

19. Substantial evidence in the record, including the application materials, the residential-wall survey and photographs, the staff report, and Applicant’s hearing testimony, demonstrates that at least 10 percent of the properties with low-density residential development having a front yard abutting Clemente Street within 330 feet of the Subject Property have a front-yard wall or fence over 3 feet. The measurement includes properties on both sides of the street. The Subject Property therefore satisfies IDO Section 14-16-6-6(H)(3)(a)3.

20. Substantial evidence in the record, including the wall plan, photographs, staff report, commenting-agency responses, and hearing testimony, demonstrates that the wall will not be injurious to adjacent properties, the surrounding neighborhood, or the larger community. An opponent objected that the wall was constructed before approval but did not identify any specific injury or substantive harm resulting from the wall. IDO Section 14-16-6-6(H)(3)(b) is satisfied.
21. Substantial evidence in the record demonstrates that the design of the wall complies with the applicable substantive standards in IDO Section 14-16-5-7 and the additional criteria in IDO Section 14-16-6-6(H)(3)(c), as set out in the following findings.
22. The wall's location complies with IDO Section 14-16-5-7(C). The wall plan, photographs, City Traffic Engineer response, and hearing testimony demonstrate that the wall does not encroach into the public right-of-way or an adjacent property and does not conflict with applicable clear-sight-triangle requirements.
23. The wall complies with the view-fencing option in IDO Section 14-16-5-7(D)(3)(a)2 and Table 5-7-2. The application materials and hearing testimony establish that the wall is at least 10 feet from the lot line abutting the street, is 6 feet in total height, and uses view fencing above 3 feet. The pickets are approximately 1.25 inches wide with approximately 4-inch gaps and are therefore less than 50 percent opaque.
24. The wall complies with IDO Section 14-16-5-7(E)(1). The CMU, pilasters, and vinyl pickets are acceptable wall and fence materials, and the wall contains no barbed tape, razor wire, barbed wire, or similar prohibited material.
25. The wall complies with IDO Section 14-16-5-7(E)(2). The wall faces a public street and incorporates vertical pilasters projecting from the public side at intervals that satisfy the articulation requirement in Subsection (E)(2)(a). Substantial evidence in the record, including the wall plan, photographs, and hearing testimony, establishes the pilaster projection and spacing.
26. The wall complies with IDO Section 14-16-5-7(E)(3). The open pickets above the CMU base create openings distributed along the wall that exceed 5 percent of the wall surface, satisfying the wall-design option in Subsection (E)(3)(a).
27. The wall does 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. Substantial evidence in the record, including the wall plan, photographs, and hearing testimony, establishes compliance with IDO Section 14-16-6-6(H)(3)(c)1.
28. The CMU base, regularly spaced pilasters, and open white pickets reflect or enhance the quality of walls and fences in the surrounding area. The application materials, neighborhood photographs, staff report, and hearing testimony establish that the design is compatible with nearby walls and fences, satisfying IDO Section 14-16-6-6(H)(3)(c)2.
29. IDO Section 14-16-5-7(E)(4) is not applicable because substantial evidence in the record demonstrates that the wall is not adjacent to a major arroyo, Major Public Open Space, or the Petroglyph National Monument. IDO Section 14-16-5-7(F) is not applicable because the wall is not a retaining wall.
30. The City Traffic Engineer and Historic Preservation staff submitted comments stating no objection to the Application.
31. The fact that the wall was constructed without first obtaining the required approval did not comply with the procedural requirement in IDO Section 14-16-5-7(B)(2). That procedural violation is distinct from the substantive design and impact criteria governing this Application and does not establish injury under IDO Section 14-16-6-6(H)(3)(b). This decision does not adjudicate or limit any separate enforcement authority.

32. The Applicant's justification is sound and is supported by substantial evidence, including the application materials, wall plan, photographs, staff report, agency comments, and hearing testimony. IDO Section 14-16-6-4(M)(1) is satisfied.
33. The specific review and decision criteria in IDO Section 14-16-6-6(H)(3) and the applicable wall and fence standards in IDO Section 14-16-5-7 have been met. IDO Section 14-16-6-4(M)(2) is satisfied.
34. IDO Section 14-16-6-4(M)(3) does not supply an additional approval criterion because IDO Section 14-16-6-6(H)(3) lists specific review and decision criteria for this Application.
35. IDO Section 14-16-6-4(M)(4) permits, but does not require, denial when an applicant falls within an enumerated category. The opponent's evidence established the procedural failure to obtain approval before construction but did not establish any substantive harm or other basis requiring denial. In view of the criteria satisfied above, the ZHE declines to exercise the discretionary authority to deny the Application under IDO Section 14-16-6-4(M)(4).

DECISION:

APPROVAL of a Permit – Wall or Fence – Major.

APPEAL:

If you wish to appeal this decision, you must do so by October 15, 2026. Pursuant to IDO § 14-16-6-4-(U), you must demonstrate that you have legal standing to file an appeal.

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.



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