



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

Pete M. Armijo (“Owner”) requests a Variance of 3 feet from the 3-foot maximum wall/fence height in the front yard for Lot 205, Block 11, Atrisco Village Unit 1, located at 1201 Clemente Street SW, zoned R-1.

Special Exception No:	VA-2026-00120
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 (the “ZHE”) requesting a Variance of 3 feet from the 3-foot maximum wall/fence height in the front yard (“Application”) upon the real property located at 1201 Clemente Street SW (the “Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a Variance of 3 feet from the 3-foot maximum wall/fence height in the front yard pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“IDO”) Section 14-16-6-6(O).
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. The Planning Director’s designee determined that the Application was complete pursuant to IDO Section 14-16-6-4(G).
5. The Application was forwarded to commenting agencies pursuant to IDO Section 14-16-6-4(I).
6. The content of the notice of the Application complied with the applicable requirements of IDO Section 14-16-6-4(J)(1).
7. Applicant complied with the applicable electronic-mail notice requirements of IDO Section 14-16-6-4(J)(2).
8. Applicant complied with the applicable mailed-notice requirements of IDO Section 14-16-6-4(J)(3).
9. 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.
10. 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 an existing wall/fence approximately 6 feet high and approximately 30 feet long is located in the front yard and consists of a CMU base, pilasters, and open white vinyl pickets above the 3-foot height.
11. Table 5-7-1 limits a front-yard wall for low-density residential development in the R-1 zone district to 3 feet unless an exception applies. IDO Section 14-16-6-6(H)(1)(b) provides that requests for walls taller than allowed through the Permit – Wall or Fence – Major process also require a Variance. The requested 6-foot wall therefore requires approval of a 3-foot Variance pursuant to IDO Section 14-16-6-6(O).
12. IDO Section 14-16-6-6(O)(3)(a) (Review and Decision Criteria – Variance) provides:

“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.”

13. 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).
14. 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).
15. In order to be approved, the Application must also meet the general review and decision criteria in IDO Section 14-16-6-4(M).
16. Applicant appeared at the September 15, 2026 ZHE hearing and gave testimony and evidence in support of the Application.
17. Substantial evidence in the record, including the site materials, photographs, staff report, and Applicant’s hearing testimony, demonstrates special circumstances applicable to this lot arising from the site’s topography and the lot’s layout in relation to preexisting improvements. These physical circumstances are not self-imposed and do not apply generally to other R-1 properties in the vicinity. Strict application of the 3-foot standard would create practical difficulties in relating the wall to the site and its preexisting improvements. The special circumstances are the physical conditions of the lot, not the Applicant’s decision to construct the wall before obtaining approval.
18. For the reasons in Finding 17, the Subject Property has non-self-imposed special circumstances that create practical difficulties from strict compliance with the minimum standard. IDO Section 14-16-6-6(O)(3)(a)1 is satisfied.
19. Substantial evidence in the record, including the wall plan, photographs, staff report, City Traffic Engineer response, and hearing testimony, demonstrates that the Variance will not be materially contrary to the public safety, health, or welfare. The open-picket design preserves visibility, and no evidence established a safety, health, or welfare harm. IDO Section 14-16-6-6(O)(3)(a)2 is satisfied.
20. Substantial evidence in the record demonstrates that the Variance will not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity. The wall is compatible with nearby walls and fences, commenting agencies stated no objection, and the opponent did not identify a specific adverse impact apart from the procedural objection. IDO Section 14-16-6-6(O)(3)(a)3 is satisfied.
21. The Variance will not materially undermine the intent and purpose of the IDO or the R-1 zone district. The companion Permit – Wall or Fence – Major findings establish compliance with the applicable location, view-fencing, materials, articulation, wall-design, window-visibility, and neighborhood-

compatibility standards. No applicable Overlay Zone criterion was identified in the record. IDO Section 14-16-6-6(O)(3)(a)4 is satisfied.

22. The 3-foot Variance is the minimum necessary to allow the 6-foot wall shown in the application materials and to avoid the practical difficulties caused by the site's topography and its layout in relation to preexisting improvements. The approval authorizes no height above 6 feet. IDO Section 14-16-6-6(O)(3)(a)5 is satisfied.
23. The City Traffic Engineer and Historic Preservation staff submitted comments stating no objection to the Application.
24. An opponent objected that the wall was constructed without first obtaining approval but did not articulate a specific safety, welfare, property, neighborhood, or infrastructure harm that would result from the Variance. The procedural objection does not negate the substantial evidence supporting the variance criteria. This decision does not adjudicate or limit any separate enforcement authority.
25. 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.
26. The specific review and decision criteria in IDO Section 14-16-6-6(O)(3)(a) have been met. IDO Section 14-16-6-4(M)(2) is satisfied.
27. IDO Section 14-16-6-4(M)(3) does not supply an additional approval criterion because IDO Section 14-16-6-6(O)(3)(a) lists specific review and decision criteria for this Application.
28. 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 Variance of 3 feet from the 3-foot maximum wall/fence height in the front yard for Lot 205, Block 11, Atrisco Village Unit 1, located at 1201 Clemente Street SW.

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.

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.

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Zoning Hearing Examiner

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