



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

Francisco J. Marquez-Ortega (Owner) and Aracely Amaro (Applicant) request a Permit-Wall or Fence-Major for Lot 8, Block 0000, Shari Vista Addition, located at 1912 Shari Vista Rd SW, zoned R-1B.	Special Exception No:	MZP-2026-00051
	Project No:	PR-2025-020089
	Hearing Date:	09-15-26
	Closing of Public Record:	09-15-26
	Date of Decision:	09-30-26

On September 15, 2026, Francisco J. Marquez-Ortega ("Owner") and Aracely Amaro ("Applicant") appeared before the Zoning Hearing Examiner (the "ZHE") requesting a Permit-Wall or Fence-Major ("Application") upon the real property located at 1912 Shari Vista Rd SW (the "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. Owner and Applicant appeared on their own behalf; no separate agent appeared.
4. Applicant is not required to offer at least 1 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 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 Section 14-16-6-4(H) are not required.
7. The Application was forwarded to commenting agencies pursuant to IDO Section 14-16-6-4(I); no agency comments were received.
8. The content of the notice of the Application satisfies IDO Section 14-16-6-4(J)(1).
9. Applicant complied with all applicable notice requirements of IDO Section 14-16-6-4(J).
10. The Subject Property is approximately 0.14 acre, is zoned R-1B, and contains low-density residential development. The Application seeks to retain approximately 150 linear feet of an existing approximately 5-foot-tall decorative open metal view fence in the front and street side yards.
11. IDO Table 5-7-1 restricts wall and fence height in the applicable front and street side yard locations to 3 feet. Because the existing view fence is approximately 5 feet tall and meets the height and location framework in IDO Section 14-16-5-7(D)(3)(a)2 and Table 5-7-2, it requires a Permit-Wall or Fence-Major pursuant to IDO Section 14-16-6-6(H).
12. 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.”*

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 Subsection 14-16-6-4(M).
16. Owner and Applicant appeared at the September 15, 2026 ZHE hearing and gave evidence in support of the Application. No person appeared in opposition, and no contrary evidence was presented at the hearing.
17. Substantial evidence in the record demonstrates that the Subject Property meets IDO Section 14-16-6-6(H)(3)(a): at least 10 percent of the qualifying low-density residential properties within the applicable 330-foot area have front yard walls or fences over 3 feet,

and at least 10 percent of the qualifying properties have street side yard walls or fences over 3 feet.

18. Applicant's written justification and submitted photographs establish that the existing fence has an open and visually permeable design and does not obstruct views of oncoming vehicle traffic. No contrary evidence or opposition was presented at the hearing. The proposed wall or fence therefore would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community, as required by IDO Section 14-16-6-6(H)(3)(b).
19. Substantial evidence in the record demonstrates that the design of the existing fence complies with IDO Section 14-16-6-6(H)(3)(c) and the applicable standards in IDO Section 14-16-5-7, as further found below.
20. Substantial evidence in the record demonstrates that the existing fence is approximately 5 feet tall, is an open view fence, and is no more than 50 percent opaque. It therefore satisfies the applicable height and opacity requirements in IDO Section 14-16-5-7(D)(3)(a)2 and Table 5-7-2.
21. Substantial evidence in the record demonstrates that the fence has vertical articulation meeting the applicable dimensional and spacing requirements of IDO Section 14-16-5-7(E)(2).
22. Applicant's written justification and submitted photographs establish that the fence consists of open decorative metal wire panels with openings distributed throughout its length. The fence therefore satisfies the applicable wall design requirements in IDO Section 14-16-5-7(E)(3).
23. Substantial evidence in the record demonstrates that the open configuration of the fence does not block the view of any portion of any window on the front facade of the primary building from the viewing point specified in IDO Section 14-16-6-6(H)(3)(c)1.
24. Applicant's written justification and submitted photographs identify comparable decorative metal and view fencing in the surrounding residential area. The design and materials of the existing fence therefore 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.
25. Substantial evidence in the record demonstrates that the Application satisfies the general review and decision criteria in IDO Section 14-16-6-4(M) and the specific applicable review and decision criteria in IDO Section 14-16-6-6(H)(3).

DECISION:

APPROVAL WITHOUT CONDITIONS of a Permit-Wall or Fence-Major limited to the approximately 150 linear feet of existing, approximately 5-foot-tall open view fence in the front and street side yards of Lot 8, Block 0000, Shari Vista Addition, located at 1912 Shari Vista Rd SW, zoned R-1B. This approval does not encompass the separate metal-sheet fencing shown on the applicant's site sketch.

CONDITIONS OF APPROVAL: None.

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.

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. Approval of a Permit-Wall or Fence-Major is valid for one (1) year from date of approval.

A handwritten signature in blue ink, appearing to read "Robert Lucero".

Robert Lucero, Esq.
Zoning Hearing Examiner

cc: Aracely Amaro
ZHE File
Zoning Enforcement