CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW, 2nd Floor, Albuquerque, NM 87102
PO Box 1293, Albuquerque, NM 87103
Office (505) 924-3860

ZONING HEARING EXAMINER
NOTICE OF DECISION

Special Exception Number: VA-2026-00016

Project Number: PR-2026-000088

Hearing Date: October 20, 2026

Closing of Public Record: October 20, 2026

Date of Decision: November 4, 2026

Case Description: Eric Stebbins (Owner) and Michelle Negrette (Agent) request a Variance of 3 feet to the 3-foot wall height in the front yard setback for Lot G1, Block 12, Vista Larga, located at 2212 Vista Larga Dr NE, zoned R-1 (J-16) §14-16-5-7(D)(1), Table 5-7-1, and §14-16-5-7(D)(3)(a)2, Table 5-7-2, as applicable.

On October 20, 2026, Eric Stebbins ("**Owner"**) and Michelle Negrette for Strata Design LLC ("**Agent**") were scheduled to appear before the Zoning Hearing Examiner ("**ZHE**") requesting a Variance of 3 feet to the allowed 3-foot front wall ("**Application**") upon the real property located at 2212 Vista Larga Dr NE ("**Subject Property**"). Below are the ZHE's findings of fact and decision:

FINDINGS:

1. Applicant is requesting a Variance, 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 14-16-6-4(D).
3. Applicant has 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 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).

8. The content of the notice of the Application satisfies IDO Section 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 each pertinent Neighborhood Association as required by IDO Section 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 Section 14-16-6-4(J)(3).
11. Applicant has posted sign notice(s) as required by IDO Section 14-16-6-4(J)(4).
12. The Subject Property is located in the R-1 zone district which has a front wall height restriction of 3-feet.
13. Therefore, the requested solid wall or fence on the Subject Property taller than 3 feet along the front street requires a Variance pursuant to IDO Subsection 14-16-6-6(O).
14. The original ZHE decision on the Application, and on its two companion cases also listed under PR-2026-000088, were issued May 6, 2026.
15. The ZHE's decision on the Application was timely appealed to the City's Land Use Hearing Officer ("**LUHO**").
16. MZP-2026-00007 was not appealed.
17. The July 22, 2026 LUHO disposition remanded the two variance decisions for findings on actual height, the relationship between height and setback, each opacity-variance factor, and objective neighborhood evidence including security.
18. This notification of decision addresses only the variance identified above and does not reconsider MZP-2026-00007 or the other variance request.
19. The ZHE evaluated the matters directed by the LUHO in his remand instructions. In response to remand instruction 4, the ZHE considered the neighborhood comparison photographs, maps, and percentage analysis in this case record. Finding 18 of the unappealed May 6, 2026 MZP decision determined that the percentage requirement was satisfied; the analysis described in the April staff report identified two properties with qualifying front-yard walls among eight properties, or 25 percent. That permit determination remains undisturbed. The percentage requirement is not a separate variance approval criterion and does not itself establish entitlement to height or opacity relief. The comparison photographs show varied wall materials and configurations, but many taller comparison fences have greater setbacks. Accordingly, those photographs do not establish equivalent placement or visual effects. The comparison evidence is considered under the applicable variance criteria concerning public welfare, material adverse impacts, and the purposes of the IDO.
20. Applicant/Agent clarified at the October 20, 2026 hearing that a 3-ft variance is requested, to allow a fence height of up to 6 feet.
21. The remand survey reports panel heights at A–J of 5.40, 5.30, 5.00, 4.80, 4.85, 4.70, 4.80, 4.90, 4.60, and 4.80 feet. These are decimal feet, not feet and inches.
22. Thus measured, panels vary from 4.60 to 5.40 feet, with two measurements above 5 feet; averaging them would not demonstrate compliance with the 5-foot maximum applicable under Table 5-7-2 at the requested alignment absent additional height relief.
23. Under IDO Section 14-16-7-1, Measurement Definitions, Wall Height, a front-lot-line perimeter wall is measured from finished grade on its public side; other covered walls use the side yielding the taller height. Allowed or required incidental posts or pilasters are excluded.

24. The Subject Property is Lot G1, Block 12, Vista Larga Subdivision, Second Replat, located at 2212 Vista Larga Dr NE, zoned R-1D. The Application concerns a wood perimeter fence along its curved street frontage.
25. Table 5-7-1 establishes a 3-foot front-yard limit. Table 5-7-2 provides a major-permit option of 5 feet ess than 10 feet of the street lot line, with view fencing above 3 feet, or 6 feet at least 10 feet back.
26. Applicant requests completion of the existing wall up to 6 feet at the existing alignment, including portions within 10 feet of the front yard boundary line, thus requiring a variance under Section 14-16-6-6(O).
27. 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."*
28. 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).
29. 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).
30. In order to be approved, the Application must also meet the general review and decision criteria in IDO Subsection 14-16-6-4(M).
31. Applicant and Agent appeared at the October 20, 2026 remand hearing. The opposing appellants also appeared.
32. Section 14-16-6-6(O)(3)(a)(1) is not met for the additional height request. The curved frontage, rising grade, limited rear-yard space, home placement, and mature trees are special physical circumstances. Ms. Negrette (Applicant's agent) testified that the grade exposes patio occupants through upper view fencing and relocation would affect trees, yard area, and visibility. Evidence concerning sheriff escorts and threats to Applicant's children establishes credible security concerns, but not the necessity of a sixth foot. These circumstances support the separate variance request for opacity relief to 5 feet, but do not establish extraordinary hardship or practical difficulties requiring a sixth foot. Applicant did not adequately explain why solid screening to 5 feet would be insufficient.

33. Section 14-16-6-6(O)(3)(a)(2) is met. City Historic Preservation opposes the Application based on the historic character of the neighborhood and the placement of the fence. However, photographs, survey evidence, and Transportation's no-objection comments support a finding that the requested height would not be materially contrary to public safety, health, or welfare.
34. Section 14-16-6-6(O)(3)(a)(3) is met. Site evidence and Transportation comments support a finding that the taller fence would not cause significant material adverse impacts on surrounding properties or infrastructure. The ZHE considered the support letters, including Sanders', and Fleischmann's and Scott's appearance and openness objections. Those concerns do not establish significant material injury; speculative property-value effects are not adopted as facts.
35. Section 14-16-6-6(O)(3)(a)(4) has not been affirmatively established for the additional foot. Table 5-7-2 relates taller street-facing fences to greater setback. Many taller comparison fences are set back, and photographs do not establish their precise setbacks. The evidence does not adequately explain why the additional foot at this alignment preserves that relationship. This finding leaves the unappealed MZP and separate opacity approval undisturbed.
36. Section 14-16-6-6(O)(3)(a)(5) is not met. The separate opacity approval allows solid screening to 5 feet at the approved alignment, addressing the privacy concerns without requiring relocation of the fence. Applicant has not sufficiently explained what additional practical difficulty requires a sixth foot. Taller posts and intended completion to 6 feet do not establish minimum necessary relief. Neither the average surveyed panel height nor existing construction establishes entitlement to excess height.
37. Under IDO Section 14-16-6-4(M)(1), the justification for the requested exception is not sound based on substantial evidence, because the required connection between the lot circumstances and the requested relief, and the minimum necessary relief, have not been established.
38. Under Section 14-16-6-4(M)(2), approval is unavailable because all specific variance criteria have not been met.
39. The City Traffic Engineer submitted a report stating no objection to the Application.

DECISION:

DENIAL of a Variance of 3 feet to the allowed 3 feet for Lot G1, Block 12, Vista Larga, located at 2212 Vista Larga Dr NE.

APPEAL:

If you wish to appeal this decision, you must do so by November 4, 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.

Approval of a Conditional Use is void after two (2) years from date of approval if the rights and privileges granted thereby have not been executed or utilized. Approval of a Variance is void after one (1) year from date of approval if the rights and privileges granted thereby have not been executed or utilized.



Robert Lucero, Esq.
Zoning Hearing Examiner

cc: Michelle Negrette, Agent, Strata Design LLC, stratadesign.nm@gmail.com
Eric Stebbins, Owner/Applicant, eestebbins@gmail.com
Michael Kious, District 7 Coalition of Neighborhood Associations, mikekious@aol.com
Jaemes Shanley, District 7 Coalition of Neighborhood Associations, jaemes1@mac.com
Tim Davis, North Campus Neighborhood Association, tdavisnm@gmail.com
Maia Mullen, North Campus Neighborhood Association, maiamullen@gmail.com
Paula Hensley, 1413 Cornell Dr. NE, Albuquerque, NM 87106, plh321@gmail.com
James Scott & Heidi Fleischmann, 1513 Cornell Dr. NE, Albuquerque, NM 87106, jscott672@comcast.net
Catherine Squire, 1519 Cornell Dr. NE, Albuquerque, NM 87106, darcey70@yahoo.com
Mary E. Wommack, 2301 Vista Larga Ave. NE, Albuquerque, NM 87106
David & Noel Westlake, 2207 Vista Larga Ave. NE, Albuquerque, NM 87106
Shanti Randall, 2219 Vista Larga Dr. NE, Albuquerque, NM 87106
Steve & Gillian Mazer, 1507 Connell Dr. NE, Albuquerque, NM 87106
Samuel Hodder, 1419 Connell Dr. NE, Albuquerque, NM 87106
Sara Hiat, 2213 Vista Larga Ave. NE, Albuquerque, NM 87106
Christiane Cuse, 1505 Cornell Dr. NE, Albuquerque, NM 87106
John Craig, 2200 Vista Larga Ave. NE, Albuquerque, NM 87106
Andrew Coon, City Legal, acoon@cabq.gov
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