CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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ZONING HEARING EXAMINER
NOTICE OF DECISION

Special Exception Number: VA-2026- 00146

Project Number: PR-2026-000160

Hearing Date: October 20, 2026

Closing of Public Record: October 20, 2026

Date of Decision: November 4, 2026

Case Description: Todd Strickland, 2500 Jefferson LLC (Owner) & Ryan Bogue (Applicant) request a Variance to height for an 8-foot fence, for Lot 13B, Block 3, Chavez – Tomoteo Addition, located at 2500 Jefferson St NE, zoned NR-C (H-17) IDO Section β 14-16-5-7(D)(3)(a)(2)

On October 20, 2026, Todd Strickland ("Applicant") was scheduled to appear before the Zoning Hearing Examiner ("ZHE") requesting a Variance of 2 feet to the allowed 6-foot fence height in an NR-C zone district ("Application") upon the real property located at 2500 Jefferson St NE ("Subject Property"). Below are the ZHE's findings of fact and decision.

FINDINGS:

1. Applicant is requesting a Variance of 2 feet to the allowed 6-foot fence height in an NR-C zone district, 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. The Planning Director's delegee has determined that the Application is 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 satisfies IDO Section 14-16-6-4(J)(1).

7. According to the Office of Neighborhood Coordination, no listed neighborhood associations within 660 feet of the Subject Property were identified as requiring notice pursuant to IDO Section 14-16-6-4(J)(2).
8. Applicant has provided evidence that they 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).
9. Applicant has provided evidence that they posted sign notice(s) as required by IDO Section 14-16-6-4(J)(4).
10. The Subject Property is located in an NR-C zone district, in which the maximum wall height in any front or street side yard is 6 feet if the wall is set back at least 5 feet from the property line and if view fencing that is at most 50 percent opaque to perpendicular view is used for portions of a wall above 3 feet. The applicable dimensional standard is IDO Section 14-16-5-7(D)(3)(d), rather than the low-density residential provision cited in the case description.
11. The Applicant is requesting a wall height of 8 feet.
12. Therefore, a Variance of 2 feet on the Subject Property requires a Variance - ZHE Approval pursuant to IDO Subsection 14-16-6-6(O).
13. 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."*
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 Subsection 14-16-6-4(M).
17. Applicant appeared at the October 20, 2026 ZHE hearing on the Application and gave evidence in support of the Application.

18. Based on evidence submitted by or on behalf of Applicant, the record does not establish special circumstances applicable to the Subject Property that are not self-imposed and that do not apply generally to other property in the same zone district and vicinity and that cause extraordinary hardship or practical difficulties from compliance with the 6-foot height allowance, as required by IDO Section 14-16-6-6(O)(3)(a)(1). The Applicant describes the increased height as a meaningful security deterrent. That benefit does not establish why circumstances particular to this lot make a compliant 6-foot fence impractical. Applicant further describes crime and homelessness in the area as reasons for the need for the taller fence; however, the record lacks substantial evidence to establish how crime and homelessness would particularly affect the Subject Property in a manner to constitute special circumstances. It appears from the record that crime and homelessness impacts the neighborhood at large, rather than the Subject Property uniquely. The existing lot configuration explains the separate request for setback relief but does not establish a need for an 8-foot fence. Applicant states that topography constitutes a special circumstance, describing that a portion of the fence is along a retaining wall approximately 2 feet tall and that at that portion the inside height of the fence would be only 6 feet. However the purpose of the fence is to keep trespassers out, not to keep people in. Having the fence be 6 feet tall from the outer ground level (approximately, the sidewalk) would be sufficient. This criterion is not met.
19. Based on evidence submitted by or on behalf of Applicant, substantial evidence in the record demonstrates that the Variance will not be materially contrary to the public safety, health, or welfare, as required by IDO Section 14-16-6-6(O)(3)(a)(2). The proposed ornamental steel fence is open to view, preserving visibility and natural surveillance. The gate plan provides for a slide gate open during business hours, a Knox Box, and exit and safety loops. The Transportation engineer stated no objection, and the case record identifies preservation of the corner clear sight triangle. This criterion is met.
20. Based on evidence submitted by or on behalf of Applicant, substantial evidence in the record demonstrates that the Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity, as required by IDO Section 14-16-6-6(O)(3)(a)(3). The Applicant's justification describes an open perimeter fence that does not expand the existing use, floor area, traffic generation, or demand on public infrastructure. The open design preserves visibility and light. This criterion is met.
21. Based on evidence submitted by or on behalf of Applicant, substantial evidence in the record demonstrates that the Variance will not materially undermine the intent and purpose of the IDO, the applicable zone district, or any applicable Overlay Zone, as required by IDO Section 14-16-6-6(O)(3)(a)(4). The open ornamental steel design maintains visibility and avoids a solid streetscape edge. The record identifies no applicable Overlay Zone. This criterion is met.
22. Based on evidence submitted by or on behalf of Applicant, the record does not establish that the requested Variance is the minimum necessary to avoid extraordinary hardship or practical difficulties, as required by IDO Section 14-16-6-6(O)(3)(a)(5). The Applicant asserts that an 8-foot fence provides effective security but has not demonstrated that a compliant 6-foot fence would create extraordinary hardship or

practical difficulties or that the additional 2 feet is necessary to avoid them. This criterion is not met.

23. The Transportation engineer stated no objection to the fence, as documented in the agency-comments portion of the case record.
24. The Application fails IDO Sections 14-16-6-6(O)(3)(a)(1) and (5) and therefore must be denied

DECISION:

DENIAL of a Variance of 2 feet to the allowed 6-foot fence height in an NR-C zone district upon the real property located at 2500 Jefferson St NE. The requested 8-foot fence height is not approved. This decision does not deny the separately considered setback relief in VA-2026-00147.

APPEAL:

If you wish to appeal this decision, you must do so by November 19, 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.



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ZHE File
Zoning Enforcement