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

Special Exception Number: MZP-2026-00063

Project Number: PR-2026-000156

Hearing Date: 20 October 2026

Closing of Public Record: 20 October 2026

Date of Decision: 04 November 2026

Case Description: Maria L. Gallegos (Owner) requests a Major Zoning Permit - Wall/Fence and for Lot 2, Block 0000, MADRID-ZAMORA REDIVISION, located at 215 Montoya Rd NW, zoned R-1 (J-12) IDO β 14-16-5-7 (D)(1).

On 20 October 2026, Maria L. Gallegos ("Applicant") was scheduled to appear before the Zoning Hearing Examiner (the "ZHE") requesting a Major Zoning Permit - Wall/Fence ("Application") upon the real property located at 215 Montoya Road NW (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 14-16-6-4(D).
3. Applicant has not duly authorized Agent to act on Applicant's behalf regarding the Application.
4. Applicant is not required to offer at least 1 meeting to Indian Nations, Tribes, and Pueblos no more than 1 calendar year 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) were delivered.
7. The Application was forwarded 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 at 215 Montoya Road NW in a R-1 zone district.
13. The wall or fence on the Subject Property exceeds the allowed height of 3 feet for a residential property.
14. Therefore, a wall or fence taller than 3 feet on the Subject Property requires a Permit-Wall or Fence-Major pursuant to IDO Subsection 14-16-6-6(H).
15. 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."

16. 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).
17. 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).
18. In order to be approved, the Application must also meet the general review and decision criteria in IDO Subsection 14-16-6-4(M).
19. Applicant appeared at the ZHE hearing on the Application and gave evidence in support of the Application.
20. Based on photographs, maps and oral evidence presented by Applicant, at least the qualifying percentage of the properties within 330 feet of the lot where the wall or fence is being requested have a wall or fence over 3 feet in the front yard area.
21. Based on evidence presented by Applicant, the proposed wall would strengthen or reinforce the architectural character of the surrounding area. The proposed wall will be masonry block for the lower 3 feet, with 3 feet of wrought iron above that. As such, it appears to be consistent with the neighborhood.
22. Based on evidence presented by Applicant, the proposed wall would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community. The wall does not block any clear sight triangle and it provides for eyes on the street. It will be entirely on the Subject Property.
23. Based on evidence presented by Applicant, the design of the wall complies with any applicable standard in Section 14-16-5-7 (Walls and Fences), including, but not limited to Subsection 14-16-5-7(E)(2) (Articulation and alignment) and Subsection 14-16-5-7(E)(3) (Wall Design), and all of the following: (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; and (2) The design and materials proposed for the wall or fence shall reflect the architectural character of the surrounding area. Evidence in the record establish compliance with this requirement.
24. The City Traffic Engineer submitted a report stating no objection to the Application.

DECISION:

APPROVAL of PR-2026-000156, MZP-2026-00063 a Permit-Wall or Fence-Major for Lot 2, Block 0000, Madrid-Zamora Redivision, located at 215 Montoya Road NW.

APPEAL:

If you wish to appeal this decision, you must do so by 19 November 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: Applicant – Maria L. Gallengos, casa.luciag@gmail.com
ZHE File
Zoning Enforcement