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

Special Exception Number: VA-2026-00140

Project Number: PR-2024-010171

Hearing Date: 20 October 2026

Closing of Public Record: 20 October 2026

Date of Decision: 04 November 2026

Case Description: Nicole Ackerman (Owner) & Jim Strozier (Agent) request a Variance of 2 feet to the maximum wall height of 8 feet for a wall/fence not located in a front or street side yard for Lot 12, Block 6, Volcano Cliffs Unit 22, located at 6204 Camino Alto NW, zoned R-1 (D-11) IDO β 14-16-5-7 (D)(1), Table 5-7-1

On 20 October 2026, Jim Strozier, Consensus Planning, LLC ("Agent") for Nicole Ackerman ("Owner") were scheduled to appear before the Zoning Hearing Examiner ("ZHE") requesting a Variance of 2 feet to the maximum wall height of 8 feet for a wall/fence not located in a front or street-side yard ("Application") upon the real property located at 6204 Camino Alto NW (the "Subject Property"). Below are the ZHE's findings of fact and decision.

FINDINGS, VARIANCE TO MAXIMUM WALL HEIGHT:

1. Applicant is requesting a Variance of 2 feet to the maximum wall height of 8 feet for a wall/fence not located in a front or street-side yard, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance ("IDO") § 14-16-6-6(O).
2. Applicant has authority to pursue this Application, pursuant to IDO § 14-16-6-4(D).
3. Applicant has a 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 as of 01 September 2026, pursuant to IDO § 14-16-6-4(G).
5. The analyses and studies listed in IDO § 14-16-6-4(H) were not required.
6. The Application was referred to commenting agencies pursuant to IDO § 14-16-6-4(I).
7. The content of the notice of the Application satisfies IDO § 14-16-6-4(J)(1).

8. Applicant has sent an electronic mail notice to the email addresses on file with the Office of Neighborhood Coordination for Neighborhood Associations within 660 feet as required by IDO § 14-16-6-4(J)(2).
9. Applicant has sent mailed notice to all property owners within 100 feet of the subject property as required by IDO § 14-16-6-4(J)(3).
10. Applicant has posted sign notice(s) as required by IDO § 14-16-6-4(J)(4).
11. The Subject Property is located in the R-1 zone district.
12. IDO § 14-16-5-7(D)(1), Table 5-7-1 limits walls not located in the front or street side yards to 8 feet in Residential zone districts.
13. Therefore, a 10-foot wall at the back lot line on the Subject Property requires a Variance of 2 feet to the maximum wall height of 8 feet for a wall/fence not located in a front or street side property line to be reviewed and decided by the ZHE pursuant to IDO § 14-16-6-6(O).
14. IDO § 14-16-6-6(O)(3)(a) (Review and Decision Criteria) 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."*
15. Applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO § 14-16-6-4(E)(3).
16. Applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO § 14-16-6-4(E)(4).
17. Applicant and Agent appeared at the October 20, 2026 ZHE hearing and gave sworn testimony in support of the Application. Jim Strozier and Alyssa Ortiz presented the application for Consensus Planning.
18. WSCONA issued a letter in opposition to the Application.
19. Three members of the public submitted statements in opposition to the Application.
20. The City Traffic Engineer submitted a comment stating no objection to the Application.
21. The Open Space Division of the City of Albuquerque submitted a letter in opposition to the Application.
22. The United States Department of Interior – National Parks Services submitted a letter in opposition to the Application.

23. Applicant has not demonstrated the required connection between the lot's physical circumstances and the particular additional wall height requested under IDO § 14-16-6-6(O)(3)(a)1. The ZHE acknowledges the evidence of irregular lot geometry, grade differences and proximity to the public trail; however, those circumstances do not establish why a 10-foot wall is necessary at the identified corner. Agent acknowledged that the wall had not been designed and expressed confidence that the entire requested height would not be needed. The deficiency concerns proof of the need for this height, rather than an absence of physical constraints on the lot.
24. The ZHE considered public safety, health and welfare under IDO § 14-16-6-6(O)(3)(a)2. Applicant described slope retention, drainage and pool safety purposes. Those purposes are relevant, but do not establish the necessary wall design or required height.
25. Under IDO § 14-16-6-6(O)(3)(a)3, the ZHE considered the National Park Service and Open Space concerns about Monument sight lines and Applicant's photographs and testimony about surrounding grades and walls. Neighbor Jim Walton expressly withdrew his wall-height objection after the location of the proposed wall was clarified. A definitive finding under criterion 3 is unnecessary because criteria 1 and 5 are not met.
26. Under IDO § 14-16-6-6(O)(3)(a)4, the ZHE considered the wall standards' protection of the Monument edge and the VPO-2 protection of views to and from the Monument. The public agencies objected to added wall height; Applicant described an intended balance between privacy and views. The ZHE does not presume that every height variance would undermine those purposes and does not rely on criterion 4 as a separate ground for this denial.
27. Applicant has not demonstrated that the requested height is the minimum necessary to avoid extraordinary hardship or practical difficulties under IDO § 14-16-6-6(O)(3)(a)5. The Agent's acknowledgment that the wall was undesigned and likely did not require the full 10 feet is persuasive evidence against granting the requested design flexibility. Open Space identified following or stepping with the terrain as an alternative, and the record does not establish why that approach or less additional height would be insufficient. Criterion 5 is not met.
28. The requested additional height is confined to a corner of 6204 Camino Alto NW. It is not a height variance for the boundary between 6208 and 6212 Camino Alto NW.
29. Any proposed retaining component remains subject to IDO § 14-16-5-7(F), including applicable City Engineer review, height and terracing requirements. A wall-height variance does not itself waive those standards. No retaining-wall engineering approval is granted by this decision.
30. All five criteria must be satisfied. Failure to establish criteria 1 and 5 requires denial of the requested variance under IDO § 14-16-6-6(O)(3)(a) and 14-16-6-4(M)(1)–(2).

DECISION:

DENIAL of a Variance of 2 feet to the maximum wall height of 8 feet for a wall/fence located in a front or street-side yard at Lot 12, Block 6, Volcano Cliffs Unit 22, located at 6204 Camino Alto NW.

No private gate or other direct access shall be allowed along the rear property line that would provide backyard access to Major Public Open Space.

APPEAL:

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



Robert Lucero, Esq.
Zoning Hearing Examiner

cc: Applicant – Jim Strozier, Consensus Planning, LLC, cp@consensusplanning.com
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ZHE File
Zoning Enforcement