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

Special Exception Number: VA-2026-00141

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 to the opacity requirement for walls/fences adjacent to the Petroglyph National Monument for Lot 12, Block 6, Volcano Cliffs Unit 22, located at 6204 Camino Alto NW, zoned R-1 (D-11) IDO § 14-16-5-7(E)(4)(c)

On 20 October 2026, Jim Strozier, Consensus Planning, LLC ("Agent") for Nicole Ackerman ("Owner") was scheduled to appear before the Zoning Hearing Examiner ("ZHE") requesting a variance to opacity requirements of IDO § 14-16-5-7(E)(4)(c) ("Application") upon the real property located at 6204 Camino Alto NW ("Subject Property"). Below are the ZHE's findings of fact and decision.

FINDINGS:

1. Applicant is requesting a Variance to opacity requirements of IDO § 14-16-5-7(E)(4)(c), 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 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, 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. Applicant has provided evidence that they 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).
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 at 6204 Camino Alto NW in an R-1 zone district, adjacent to the Petroglyph National Monument.
11. IDO § 14-16-5-7€(4)(c) requires view fencing with a maximum opacity of 10 percent on lots adjacent to the Petroglyph National Monument.
12. The Applicant proposes to construct a wall/fence with 50 percent opacity.
13. Therefore, a Variance to the opacity requirements of 14-16-5-7(E)(4)(c) on the Subject Property requires a Variance - ZHE approval pursuant to IDO Subsection 14-16-6-6(O).
14. 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."*
15. 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).
16. 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).
17. Applicant and Agent appeared at the October 20, 2026 ZHE hearing and gave sworn testimony in support of the Application.
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 established that special circumstances create a qualifying hardship or practical difficulty requiring the requested 50 percent opacity under IDO Section 14-16-6-6(O)(3)(a)(1). The ZHE credits testimony about the trail's proximity, limited separation by grade, lot configuration and privacy concerns. The evidence does not explain why those conditions require the specific proposed opacity or why applicable compliant wall options would be inadequate. Photographic evidence in the record indicates that other properties in the area comply with the opacity requirement.
24. The Open Space Division expressly stated that it had no adverse comments on increasing opacity from 10 percent to 50 percent, provided other IDO requirements were met. That is favorable evidence under IDO Section 14-16-6-6(O)(3)(a)(2). The ZHE does not base denial on a finding that the proposed opacity is materially contrary to public safety, health or welfare.
25. Under IDO Section 14-16-6-6(O)(3)(a)(3), Applicant offered an illustration of a masonry base with open metal fencing and testimony that the design balances privacy and views. The National Park Service and other opponents raised visual-impact concerns. Those competing positions do not establish the necessity of the requested percentage. The ZHE need not resolve the disputed degree of visual impact because criteria 1 and 5 are not met.
26. IDO Section 14-16-6-6(O)(3)(a)(4) requires attention to the Monument-edge and overlay purposes. The ZHE applies Section 14-16-5-7(E)(4)(c) together with its exceptions and does not find that 50 percent opacity necessarily undermines the IDO merely because it exceeds the general 10 percent limit.
27. Applicant has not demonstrated that a discretionary increase to 50 percent opacity is the minimum necessary under IDO Section 14-16-6-6(O)(3)(a)(5). Matching walls elsewhere and seeking privacy explain the preferred design, but do not establish why the proposed percentage is the least relief necessary for this lot. The record does not evaluate a lesser increase against the specific privacy and grade conditions.
28. To the extent discretionary relief is required, failure to establish criteria 1 and 5 precludes approval under IDO Sections 14-16-6-6(O)(3)(a) and 14-16-6-4(M)(1)–(2).

DECISION:

DENIAL of a Variance to opacity requirements of 5-7(E)(4)(c) at Lot 12, Block 6, Volcano Cliffs Unit 22, located at 6204 Camino Alto 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

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ZHE File
Zoning Enforcement