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: Variance of 25 feet to the required 45-foot landscape buffer for properties adjacent to Major Public Open Space for Lot 12, Block 6, Volcano Cliffs Unit 22, located at 6204 Camino Alto NW, zoned R-1 (D-11), zoned R-1 (D-11) IDO 14-16-5-2(J)(2)

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 25 feet to the required 45-foot landscape buffer for properties adjacent to Major Public Open Space ("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 of 25 feet to the required 45-foot landscape buffer for properties adjacent to Major Public Open Space in IDO 14-16-5-2(J)(2), 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 β 14-16-5-2(J)2 requires a landscape buffer with a minimum width of 45 feet on lots adjacent to Major Public Open Space, which includes the Petroglyph National Monument.
12. The applicant proposes to maintain a landscape buffer of 20 feet.
13. Therefore, a Variance to the landscape buffer requirements of 14-16-5-2(J)2 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. The WSCONA neighborhood association 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. The ZHE acknowledges drawings and testimony concerning the lot's irregular geometry, comparatively small size and limited rear-yard depth. Under IDO Section 14-16-6-6(O)(3)(a)(1), those physical conditions must be connected to the relief sought. Applicant has not reconciled the requested (and publicly noticed) 25-foot reduction, which would leave 20 feet, with the proposed pool's location 7 feet from the rear boundary. A qualifying physical constraint does not establish the amount or configuration of relief necessary for this pool.
24. Under IDO Section 14-16-6-6(O)(3)(a)(2), the ZHE considered Applicant's description of an in-ground pool and the Open Space Division's concerns about pool-water management, grading, construction and adjoining public land. The ZHE does not base denial on an affirmative finding that the pool necessarily would be materially contrary to public safety, health or welfare. The request fails for the scope and minimum-relief reasons stated below.
25. Under IDO Section 14-16-6-6(O)(3)(a)(3), the National Park Service and Open Space Division identified loss of the natural transition and potential visual intrusion near the Monument boundary and trail. Applicant described an in-ground pool and asserted that its visibility would be limited, in conjunction with the separately requested opacity treatment. A definitive finding concerning significant material adverse impacts is unnecessary because criterion 5 is not met.
26. Under IDO Section 14-16-6-6(O)(3)(a)(4), the ZHE considered the separation and natural-transition purposes of the Monument-edge buffer and the applicable overlay protections. Applicant's narrative describes a retained 20-foot buffer, while the proposed pool location leaves only 7 feet. The Application does not accurately describe or justify the effect of the pool as drawn.
27. Applicant has not demonstrated that the variance requested is the minimum necessary to avoid extraordinary hardship or practical difficulties under IDO Section 14-16-6-6(O)(3)(a)5. Reducing a 45-foot buffer by the requested 25 feet leaves 20 feet and would not accommodate the pool located 7 feet from the rear boundary. That location would require a total reduction of 38 feet, which is 13 feet greater than the requested reduction. The record does not establish a corresponding pool configuration that retains 20 feet or explain why the 7-foot location is the minimum necessary. The ZHE has taken note a neighbor's opinion testimony that a smaller pool could fit, without treating that testimony as a dimensioned alternative plan or relying on it as the sole reason for denial. The unresolved relationship between the relief sought, the pool footprint and possible lesser encroachment prevents the required minimum-necessary finding. Criterion 5 is not met.
28. The agency letters in this record describe the prior approval as leaving a 25-foot landscape buffer to facilitate the residence. A 25-foot remaining buffer represents a 20-foot reduction from the 45-foot standard; it is not a previously granted 25-foot variance. Applicant's own narrative states that permitting treated the prior approval as allowing the house, without approval for the additional pool and perimeter wall. Accordingly, this application is not denied on a theory that the identical pool relief was already granted. The prior approval does not establish that the presently proposed pool is authorized.
29. All five variance criteria must be met. Applicant's burden under IDO Sections 14-16-6-4(E)(3)–(4) and 14-16-6-4(M)(1)–(2) is not satisfied by the inconsistent requested relief and proposed configuration. Failure to establish criterion 5 precludes approval under IDO

Section 14-16-6-6(O)(3)(a). The existing residence under construction and any prior approval are not altered by this denial.

DECISION:

DENIAL of a Variance of 25 feet to the required 45-foot landscape buffer for properties adjacent to Major Public Open Space for 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