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

Special Exception Number: VA-2026-00144

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 25 feet to the required 45-foot landscape buffer for properties adjacent to Major Public Open Space for Lot 13, Block 6, Volcano Cliffs Unit 22, located at 6208 Camino Alto NW, zoned R-1 (D-11) IDO 14-16-5-2(J)(2)

On October 20, 2026 Jim Strozier ("**Agent**") as agent for Nicole Ackerman ("**Applicant**") was scheduled to appear before the Zoning Hearing Examiner (the "**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 6208 Camino Alto NW (the "**Subject Property**"). Below are the ZHE's findings of fact and decision:

FINDINGS, VARIANCE TO MAJOR PUBLIC OPEN SPACE LANDSCAPE BUFFER:

1. Applicant is requesting a Variance of 25 feet to the required 45-foot landscape buffer for properties adjacent to Major Public Open Space, 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 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. 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 that special circumstances of this lot cause a qualifying hardship or practical difficulty requiring the requested buffer reduction under IDO Section 14-16-6-6(O)(3)(a)(1). The ZHE acknowledges evidence that the lot has an irregular configuration and grade differences. However, Applicant and Agent confirmed that no residence or other future development is presently planned for 6208; the present purpose is to continue a matching perimeter along the Monument boundary. The record does not connect the lot's configuration to a need to reduce the buffer by 25 feet for any planned improvements and no site plan showing a proposed home or other structure on the lot was submitted to justify the variance.
24. Under IDO Section 14-16-6-6(O)(3)(a)(2), Applicant described the wall as a boundary, privacy and slope-management feature. Open Space opposed the buffer reduction and recommended controls on vegetation, discharge, access and construction if relief were granted. The ZHE does not find that an identified future development would necessarily create a safety hazard, and does not rely on criterion 2 as a separate ground for denial.
25. Under IDO Section 14-16-6-6(O)(3)(a)(3), the ZHE considered a neighbor's concern that a generally reduced buffer could permit future development affecting his views, the public agencies' Monument-edge concerns, and Applicant's statement that only a rear boundary wall is presently intended. No future residence is sufficiently defined to make findings about its particular impacts. The ZHE does not adopt the neighbor's withdrawn wall-height objection as proof of a lack of adverse impacts from this buffer request. Denial rests independently on criteria 1 and 5.
26. Under IDO Section 14-16-6-6(O)(3)(a)(4), Applicant's desire for a wall consistent with the adjoining lot is weighed against the buffer's separation and natural-transition purposes. The application describes a rear-property-line wall while also asserting that 20 feet of buffer would remain. The ZHE does not presume that every buffer reduction would undermine the purposes of IDO; however, the requested buffer variance has not been justified on this record under all prongs of the variance test.
27. Applicant has not established that a 25-foot buffer reduction is the minimum necessary under IDO Section 14-16-6-6(O)(3)(a)(5). The owner confirmed that she has no current plans for future development on the lot. The record does not establish why the wall must occupy the proposed location, why it cannot comply with the required buffer, or why lesser relief would be insufficient. Consistency with the wall desired on 6204 does not itself establish the minimum relief for 6208. Criterion 5 is not met.
28. 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 of 25 feet to the required 45-foot landscape buffer for properties adjacent to Major Public Open Space for Lot 13, Block 6, Volcano Cliffs Unit 22, located at 6208 Camino Alto NW, zoned R-1 (D-11) IDO 14-16-5-2(J)(2).

APPEAL:

If you wish to appeal this decision, you must do so by September 20, 2025. Pursuant to IDO § 14-16-6-4-(U), you must demonstrate that you have legal standing to file an appeal.

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.



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Zoning Hearing Examiner

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