



City of Albuquerque

Planning Department

Timothy M. Keller, Mayor

Interoffice Memorandum

February 11, 2026

To: Klarissa J. Peña, President, City Council

From: Alan Varela, Director, Planning Department

^{DS}
AMV

Subject: AC-26-02, VA-2025-00162: Dalila Solis (“Applicant”) appeals the Zoning Hearing Examiner’s decision to DENY a variance of 3 feet to install a 6-foot perimeter steel fence in the front yard for the property located at 237 Wyoming Blvd NE, zoned MX-M

OVERVIEW

On December 16, 2025, property owner Dalila Solis (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a Variance of 3 feet to allow a 6-foot fence in the front setback of the property line for the property located at 237 Wyoming Blvd NE.

The ZHE denied the Applicant’s request in a written decision dated December 31, 2025.¹

The Appellant timely filed an appeal of the ZHE’s decisions prior to the appeal deadline of January 15, 2026. As the property owner and applicant for the original application that was denied, the appellant has standing to appeal the decision.

BASIS FOR APPEAL

Pursuant to Integrated Development Ordinance (IDO) §14-16-6-4(U)(4), the applicable criteria for the appeal shall be whether the ZHE made 1 of the following mistakes:

6-4(U)(4)(a) The ZHE acted fraudulently, arbitrarily, or capriciously.

6-4(U)(4)(b) The decision being appealed is not supported by substantial evidence.

6-4(U)(4)(c) The ZHE erred in applying the requirements of this IDO (or a plan, policy, or regulation referenced in the review and decision-making criteria for the type of decision

¹ The Notice of Decision describes the request as a variance of 3 feet to a 6-foot maximum allowable height; however, the request as posted was for a variance of 3 feet to the maximum allowable height of 3 feet, which would facilitate the approval of a 6-foot fence. This request and discussion are documented in the hearing transcript.

being appealed).

STAFF RESPONSE

The Appellant does not respond specifically to the appeal criteria in IDO § 14-16-6-4(U)(4) but generally reiterates that the wall is needed for security and notes that there are other walls 6 feet high nearby.

Response from ZHE staff is below in italics.

ZHE Finding #13 restates the review and decision criteria for a Variance [IDO § 14-16-6-6(O)(3)(a)].

In Finding #18, the ZHE found that the request did not meet criterion 1 and must be denied.

“Based on evidence in the record, it does not appear that special circumstances applicable to the Subject Property exist that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid, as required by Section 14-16-6-6(O)(3)(a)(1). Applicant testified that the higher fence is sought to increase security of the Subject Property, because trespassers, including unhoused persons and drug users, have entered the Subject Property repeatedly. While the ZHE empathizes with this difficult situation, it appears from the record that these problems are not unique to the subject property, but instead are suffered generally by the entire vicinity. The IDO requires that there be special circumstances applicable to the Subject Property itself that make it different than surrounding properties. Because substantial evidence does not exist to establish that the Subject Property has any special circumstances, the Application must be denied.”

Finding #19 explains that all criteria must be met to approve a Variance, so the request is denied based on not meeting criterion 1.

How other fences nearby got approved is not part of the decision criteria for the requested variance. The decision criteria for this request is pursuant to IDO § 14-16-6-6(O)(3), which the ZHE found the applicant did not satisfy because no special circumstances apply to the lot [Finding #18].

Properties in MX-M may have a 5-foot wall if set back at least 10 feet from the lot line if all the requirements of IDO § 14-16-5-7(D)(3)(c) are met.

/ Adam Sena /

Adam Sena, Senior Planner
City of Albuquerque Planning Department

/ Leslie Naji /

Leslie Naji, Principal Planner
City of Albuquerque Planning Department