



CITY OF ALBUQUERQUE
OFFICE OF ADMINISTRATIVE HEARINGS
ZONING HEARING EXAMINER
NOTIFICATION OF DECISION

James Gallison & Lisa Broidy request a permit to allow a carport in the front yard setback for Lot 5, Block 6, Yearouts, located at 726 Jefferson ST NE, zoned R-1C [Section 14-16-5-5(F)(2)(a)]

Special Exception No:..... **VA-2019-00391**
Project No: **Project#2019-003035**
Hearing Date: 12-17-19
Closing of Public Record: 12-17-19
Date of Decision: 01-01-20

On the 17th day of December, 2019, property owners James Gallison and Lisa Broidy (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a permit to allow a carport in the front yard setback (“Application”) upon the real property located at 726 Jefferson ST NE (“Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a permit to allow for a carport in the front yard setback.
2. The City of Albuquerque Integrated Development Ordinance Section 14-16-6-6(L)(3)(d) states;
 - a. The proposed carport would strengthen or reinforce the architectural character of the surrounding area.
 - b. The proposed carport would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community.
 - c. The design of the carport complies with the provisions in Subsection 14-16-5-5(F)(2)(a)2 (Carports).
 - d. No carport wall is a hazard to traffic visibility, as determined by the Traffic Engineer.
 - e. The carport is not taller than the primary building on the lot.
3. The Applicant bears the burden of ensuring there is evidence in the record supporting a finding that the above criteria are met under Section 14-16-6-4(N)(1).
4. All property owners within 100 feet and affected neighborhood association were timely notified of the application.
5. The subject property is currently zoned R-1C.
6. Applicant appeared and gave evidence in support of the application.
7. Applicant submitted evidence establishing that the proposed carport would strengthen or reinforce the architectural character of the surrounding area. No evidence to the contrary was submitted.
8. Applicant submitted evidence establishing that the proposed carport would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community. No evidence to the contrary was submitted.
9. Applicant submitted evidence establishing that the design of the carport complies with the provisions in Subsection 14-16-5-5(F)(2)(a)2 (Carports). No evidence to the contrary was submitted.

10. Transportation issued a report indicating that the proposed carport appears to be within the clear sight triangle. However, so long as any columns within the clear sight triangle are not wider than 8 inches Transportation does not object.
11. No carport wall is a hazard to traffic visibility, as determined by the Traffic Engineer, given that the Traffic Engineer does not object to this application.
12. Applicant submitted evidence establishing that the carport is not taller than the primary building on the lot. No evidence to the contrary was submitted.
13. The ZHE finds that the proper "Notice of Hearing" signage was posted for the required time period as required by Section 14-16-6-4(K)(3).
14. The ZHE finds that the Applicant has authority to pursue this Application.

DECISION:

APPROVAL of a permit to allow a carport in the front yard setback.

APPEAL:

If you wish to appeal this decision, you must do so by January 16, 2020 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 decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for any related building permit or occupation tax number. Approval of a conditional use or a variance application is void after one year from date of approval if the rights and privileges are granted, thereby have not been executed, or utilized.



Robert Lucero, Esq.
Zoning Hearing Examiner

cc:

ZHE File
Zoning Enforcement
James Gallison & Lisa Broidy, 726 Jefferson ST NE, 87110