



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

Sarah Popek (Agent, Jeff Adkins) requests a permit to allow a carport in the side setback for Lot 27, Block 11B, Country Club Addn, located at 615 Spruce ST NE, zoned R-1B [Section 14-16-5-5(F)(2)]

Special Exception No:..... **VA-2019-00441**
Project No: **Project#2019-003182**
Hearing Date: 02-18-20
Closing of Public Record: 02-18-20
Date of Decision: 03-04-20

On the 18th day of February, 2020, Jeff Adkins, agent for property owner Sarah Popek (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a permit to allow a carport in the side setback (“Application”) upon the real property located at 615 Spruce 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 side 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 notified of the application.
5. The subject property is currently zoned R-1B.
6. Agent appeared and gave evidence in support of the application.
7. Applicant has met its burden of providing evidence that establishes that the proposed carport would strengthen or reinforce the architectural character of the surrounding area. Specifically, Applicant testified that the design of the carport comports with that of the residence on site and is in harmony with architecture of neighboring properties. No evidence was submitted to the contrary.
8. Applicant has met its burden of providing evidence that establishes that the proposed carport would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community. Specifically, Applicant testified that the carport would not impact views from

adjacent properties and that no water from the carport would flow onto adjacent properties. No evidence was submitted to the contrary.

9. Applicant has met its burden of providing evidence that establishes that the proposed carport complies with IDO Subsection 14-16-5-5(F)(2)(a)(2)(a) (Carports). Although a portion of the carport is located within 3 feet of a property line, this is appropriate based on evidence submitted by Applicant, because of the preexisting location of the driveway and structures on-site in relation to the property line, which make it impossible to move the proposed carport further away from the property line. No evidence was submitted to the contrary.
10. The City Traffic Engineer issued a report indicating no objection to the proposed carport.
11. Applicant has met its burden of providing evidence that establishes that the proposed carport is not taller than the primary building on the lot. Specifically, Applicant testified that the carport would be thirteen inches lower than the primary residence on the lot. No evidence was submitted to the contrary.

DECISION:

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

APPEAL:

If you wish to appeal this decision, you must do so by March 19, 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
Popek Sarah Trustee Popek Trust, 615 Spruce ST NE, 87106
Jeff Adkins, 907 Nicholas CT, 87004