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

Shannon Letourneau requests a permit to allow for a carport in the side yard setback for Lot 6, Block 12, Eastridge Addn Unit 4, located at 1321 Paisano ST NE, zoned R-1C [Section 14-16-5-5(F)(2)(a)(3)(b)]

Special Exception No:..... **VA-2021-00431**
Project No: ..... **Project#2021-006304**
Hearing Date: 01-18-22
Closing of Public Record: 01-18-22
Date of Decision: 02-02-22

On the 18th day of January, 2022, property owner Shannon Letourneau ("Applicant") appeared before the Zoning Hearing Examiner ("ZHE") requesting a permit to allow for a carport in the side yard setback ("Application") upon the real property located at 1321 Paisano ST NE ("Subject Property"). Below are the ZHE's finding of fact and decision:

FINDINGS:

1. Applicant is requesting a permit to allow a carport in the side yard setback.
2. The City of Albuquerque Integrated Development Ordinance Section 14-16-6-6(L)(3)(d) requires that:
    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 associations were notified of the application.
5. The subject property is currently zoned R-1C.
6. Agent and Applicant 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.
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, it appears that the carport would not impact views from adjacent properties and no water from the carport would flow onto adjacent

properties.

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).
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 top of the carport would be lower than the primary residence on the lot.

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 February 17, 2022 pursuant to Section 14-16-6-4(V), 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
Shannon Letourneau, srletou100@gmail.com