



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

John Hart requests a Permit - Carport for Lot 1, Block 22, Inez Addn, located at 2039 Utah St NE, zoned R1-C, [Section 14-16-5-5(F)(2)(a)(3)(b)]	Special Exception No:.....	VA-2024-00052
	Project No:	Project#2024-010035
	Hearing Date:	04-16-24
	Closing of Public Record: ..	04-16-24
	Date of Decision:	05-01-24

On the 16th day of April, property owner John Hart (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a carport permit (“Application”) upon the real property located at 2039 Utah St NE (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a carport permit.
2. The ZHE finds that the Applicant has authority to pursue this Application.
3. All property owners within 100 feet and affected neighborhood association(s) were notified.
4. 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).
5. 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 providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO Section 14-16-6-4(E)(3).
4. The 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).
5. Applicant appeared and gave evidence in support of the application.
6. The subject property is currently zoned R1-B.
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 and confirmed in written submittals that it refines both the Subject Property’s and the surrounding areas appearance.

8. Applicant has 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 and confirmed in written submittals that the carport is located on Subject Property. Applicant also testified that the Carport is 4.6 inches from the property line.
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). Applicant testified and confirmed in written submittals to the same.
10. Applicant has [met/not met] its burden of providing evidence that establishes that the proposed carport is not taller than the primary building on the lot. Specifically, Applicant confirmed in written submittals that the carport is 1.5 ft lower than the residence.
11. The City Traffic Engineer submitted a report stating no objection to the Application.

DECISION:

APPROVAL of a carport permit in the front yard.

APPEAL:

If you wish to appeal this decision, you must do so by May 16, 2024 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
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