



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

John Babineaux requests a conditional use to allow a carport in the corner side yard of Lot 11, Block 4, Cibola Village, located on 4004 Cibola Village DR NE, zoned R-1 [Section 14-16-2-6(B)(3)]

Special Exception No:.....**VA-2018-00007**  
Project No: .....**Project#2018-001167**  
Hearing Date: .....07-23-18  
Closing of Public Record: .....07-23-18  
Date of Decision: .....08-07-18

On the 23rd day of July, 2018, property owner John Babineaux (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a conditional use to allow carport in the corner side yard (“Application”) upon the real property located at 4004 Cibola Village DR NE (“Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a conditional use to allow a carport in the corner side yard.
2. The City of Albuquerque Code of Ordinances Section 14-16-4-2(C)(1) (Special Exceptions – Conditional Use) reads: *“A conditional use shall be approved if and only if, in the circumstances of the particular case and under conditions imposed, the use proposed:*
  - (a) *Will not be injurious to the adjacent property, the neighborhood, or the community;*
  - (b) *Will not be significantly damaged by surrounding structures or activities.*
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 14-16-4-2(C).
4. The subject property is zoned R-1.
5. John Babineaux testified in support of the Application.
6. A comment was submitted by Ernest Armijo, P.E., Transportation Senior Engineer, following his review of the Application.
7. Traffic conditionally approves the request to allow a carport in the corner side yard.
8. The proposed carport shall avoid construction within either clear sight triangle.
9. Specifically, the ZHE finds that the proposed structure will be designed by an architect/designer.
10. The proposed structure will be designed in a way that will improve the appearance of the primary structure.
11. The proposed structure will be designed in a way to be harmonious with the neighborhood.
12. The proposed structure will be no higher than the primary structure.
13. It will be placed on a side yard of the property.
14. The subject property is a corner lot.
15. The ZHE finds that in the proposed use will not be injurious to the adjacent property, the neighborhood, or the community as required by Section 14-16-4-2(C)(1)(a).

16. The ZHE finds that in the proposed use will not be significantly damaged by surrounding structures or activities as required by Section 14-16-4-2(C)(1)(b).
17. The ZHE finds that the proper "Notice of Hearing" signage was posted for the required time period as required by Section 14-16-4-2(B)(4).
18. The ZHE finds that the Applicant has authority to pursue this Application.

DECISION:

APPROVAL of a conditional use to allow a carport in the corner side yard.

CONDITIONS: (1) No part of the proposed structure shall be built within 3 feet of the property line; (2) No solid building wall shall be built within the required setback; (3) The specific carport shall be in harmony with the building site; (4) No part of the proposed structure shall block either clear sight triangle.

If you wish to appeal this decision, you must do so by August 23, 2018 in the manner described below. A non-refundable filing fee will be calculated at the Planning Department's Land Development Coordination counter and is required at the time the Appeal is filed.

Appeal is to be filed within 15 days of the decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, on the west side of the lobby.  
**Please present this letter of notification when filing an appeal.**

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.



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Stan Harada, Esq.  
Zoning Hearing Examiner

cc: Zoning Enforcement  
ZHE File