



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

Sandra K DuBois requests a permit to allow for a carport in the front yard setback for Lot 15, Block 4, Central Park Addn, located at 709 Valencia DR SE, zoned R-1B [Section 14-16-5-5(f)(2)]

Special Exception No:..... **VA-2019-00214**
Project No: **Project#2019-002568**
Hearing Date: 08-20-19
Closing of Public Record: 08-20-19
Date of Decision: 09-04-19

On the 20th day of August, 2019, Gilbert Austin, Austin Carports, agent for property owner Sandra K DuBois (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a permit to allow for a carport in the front yard setback (“Application”) upon the real property located at 709 Valencia DR SE (“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 Variance to allow a carport in the required front or side setback shall be approved if all the following criteria are met:
 - 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. Gilbert Austin of Austin’s Carports, agent for Sandra DuBois, property owner appeared and gave evidence in support of the Application.
5. The address of the subject property is 709 Valencia Dr. SE.
6. All property owners within 100 feet and affected neighborhood association were notified of the application.
7. District 6 Coalition of Neighborhood Associations and South San Pedro Neighborhood Association are the affected neighborhood associations.
8. Applicant notified the affected NAs by e-mail dated June 6, 2019.
9. No response nor request for a meeting has been submitted.
10. The subject property is currently zoned R-1B.
11. A site plan and accompanying photographs were submitted in support of the Application.

12. The proposed carport would constructed with steel support columns and the color will match the color of the existing house.
13. It will include rain gutters and downspouts to control water drainage onto Applicant's property.
14. No walls will be constructed on any side of the carport.
15. Transportation issued a report indicating conditional approval as long as the metal columns supporting the carport are no wider than 8 inches solid and contains no walls greater than 3 feet tall.
16. The carport is no taller than the primary building on the subject lot.
17. 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).
18. The ZHE finds that the Applicant has authority to pursue this Application.

CONCLUSIONS OF LAW:

The criteria within Section 14-16-6-6(L)(3)(d) of the IDO are satisfied.

DECISION:

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

APPEAL:

If you wish to appeal this decision, you must do so by September 19, 2019 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.



Stan Harada, Esq.
Zoning Hearing Examiner

cc:

ZHE File
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