



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

James Teller requests a permit to allow a carport in the side yard setback for Lot 28B4C1A, MRGCD Map 35, located at 3115 Los Anayas Rd NW, zoned R-A [Section 14-16-5-5(F)(2)(a)]

Special Exception No:..... **VA-2019-00225**  
Project No: ..... **Project#2019-002599**  
Hearing Date: ..... 09-17-19  
Closing of Public Record: ..... 09-17-19  
Date of Decision: ..... 10-02-19

On the 17th day of September, 2019, property owner James Teller (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a permit to allow a carport in the side yard setback (“Application”) upon the real property located at 3115 Los Anayas Rd NW (“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. 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. James Teller, property owner appeared and gave evidence in support of the application.
5. The address of the subject property is 3115 Los Anayas Rd. NW.
6. The subject property is currently zoned R-A.
7. The subject property is located within a **Character Protection Overlay Zone**; Section 14-16-3-4(G): **LOS DURANES: CPO # 6**.
8. All property owners within 100 feet and affected neighborhood association were notified of the application.
9. North Valley Coalition of Neighborhood Associations; Thomas Village Neighborhood Association and Los Duranes Neighborhood Association are the affected neighborhood associations.
10. Applicant notified the affected NAs by e-mail dated May 23, 2019.
11. No response nor request for meeting has been submitted.
12. The proposed project is construction of a carport in the side setback area.

13. The request is for a permit as required by Section 14-16-5-5(F)(2)(a)(2): *Development Standards; Parking and Loading; Design Access and Circulation; Low Density Residential Development; Table 5-5-6: Maximum Front Yard Parking Area; Carports.*
14. The proposed project was previously granted in 2015 (15ZHE-80141), but property owner was unable to initiate the project because of medical issues, and the permit expired after one year.
15. The carport is constructed of metal steel support poles, supporting a metal roof, with gutters and downspouts designed to retain rain water run off on the subject property.
16. The structure will be painted to match the primary structure.
17. A site plan with detailed drawings and accompanying photographs was submitted in support of the application.
18. The carport is located 84 feet from the front property line, 22 feet from the rear property line.
19. The carport is outside the clear sight triangle and would not present a hazard to traffic visibility.
20. An existing 6 foot tall concrete block wall separates the only adjacent neighbor (Mark Gutierrez) from the carport, and he has no objection or opposition to the carport.
21. A letter from Mark and Madelyn Gutierrez, 3117 Los Anayas Rd. NW, indicating no objection or opposition to the proposed carport, was submitted in support of the Application.
22. It will include rain gutters and downspouts to control water drainage onto Applicant's property.
23. No walls will be constructed on any side of the carport.
24. The carport is no taller than the primary building on the subject lot.
25. Transportation issued a report indicating no objection to the Application, as the carport is outside the clear sight triangle.
26. The color and appearance of the proposed structure matches the primary residence and the carport strengthens and reinforces the architectural character of the surrounding area as required by Section 14-16-6-6(L)(3)(d)1.
27. The proposed carport is not injurious to adjacent properties, the surrounding neighborhood, or the larger community as required by Section 14-16-6-6(L)(3)(d)2.
28. The proposed carport complies with the provisions in Subsection 14-16-5-5(F)(2)(a)2, as required by Section 14-16-6-6(L)(3)(d)3.
29. Transportation issued a report indicating the carport is not within the clear sight triangle area and the carport does not present a hazard to traffic visibility, as required by Section 14-16-6-6(L)(3)(d)4.
30. The proposed carport is not taller than the primary building on the subject lot as required by Section 14-16-6-6(L)(3)(d)5.
31. 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).
32. 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 October 17, 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  
Zoning Enforcement  
James Teller, 3115 Los Anayas Rd NW, 87125