



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

Isabel Morales requests a permit to allow a carport in the front yard setback for Lot 4, Block 1, Chavez-John Addn, located at 913 56th St NW, zoned R-1B [Section 14-16-5-5(F)(2)(a)2b]

Special Exception No:..... **VA-2019-00238**  
Project No: ..... **Project#2019-002652**  
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 Isabel Morales (“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 913 56th St 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;
  1. The proposed carport would strengthen or reinforce the architectural character of the surrounding area.
  2. The proposed carport would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community.
  3. The design of the carport complies with the provisions in Subsection 14-16-5-5(F)(2)(a)2 (Carports).
  4. No carport wall is a hazard to traffic visibility, as determined by the Traffic Engineer.
  5. 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. Isabel Morales, property owner appeared and gave evidence in support of the Application.
5. Applicant is requesting a permit to allow for a carport in the front yard setback.
6. The address of the subject property is 913 56<sup>th</sup> St. NW.
7. All property owners within 100 feet and affected neighborhood association were notified of the application.
8. West Mesa Neighborhood Association; South West Alliance of Neighborhood Associations and Westside Coalition of Neighborhood Associations are the affected neighborhood associations.
9. Applicant notified the affected NAs by e-mail dated July 2, 2019.
10. No response nor request for a meeting has been submitted.
11. The subject property is currently zoned R-1B.

12. 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.*
13. A site plan and accompanying photographs were submitted in support of the Application.
14. The proposed carport would be constructed of a wooden framed structure with a pitched shingled roof and the color and architecture and structure will match the color of the existing house.
15. It will include rain gutters and downspouts to control rainwater run-off to retain it on Applicant's property.
16. No walls will be constructed on any side of the carport.
17. The proposed carport is within the clear sight triangle.
18. 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.
19. Applicant agreed that the support posts are to be no larger than 8 X 8 inches and that the carport will contain no walls.
20. No one appeared in opposition to the Application.
21. 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.
22. 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.
23. 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.
24. Transportation issued a report indicating the carport design does not present a hazard to traffic visibility, as required by Section 14-16-6-6(L)(3)(d)4.
25. 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.
26. 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).
27. 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.



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Stan Harada, Esq.  
Zoning Hearing Examiner

cc:

ZHE File  
Zoning Enforcement  
Isabel Morales, 913 56<sup>TH</sup> Street NW, 87105