



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

Mark Hovey requests a permit to allow a carport in a required front or side setback on Lot 7, Board of Education EDUC Tract A, located at 4509 Comanche Rd NE, zoned R-1C [Section 14-16-6-6(L)(3)(d)]

Special Exception No:..... **VA-2019-00254**
Project No: **Project#2019-002698**
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 Mark Hovey (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a permit to allow a carport in a required front or side setback (“Application”) upon the real property located at 4509 Comanche Rd NE (“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 or side 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: **DEVELOPMENT STANDARDS; Parking and Loading; Low Density Residential Development; 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. Mark Hovey, property owner appeared and gave evidence in support of the application.
5. The address of the subject property is 4509 Comanche Rd. NE.
6. The subject property is currently zoned R-1C.
7. The request is to allow an existing carport constructed in 1998 to remain in the required side yard setback area.
8. The support poles of the carport are erected on the property line.
9. The property encroached is owned by Applicant’s sibling.
10. All property owners within 100 feet and affected neighborhood association were notified of the application.
11. Hodgin Neighborhood Association; McKinley Neighborhood Association and District 7 Coalition of Neighborhood Associations are the affected neighborhood associations.

12. A letter from Marjorie Padilla, Secretary McKinley Neighborhood Association Board, dated August 2, 2019, indicating the Board is in favor of the request, was submitted in support of the Application.
13. A site plan and accompanying photographs of the existing structure were submitted in support of the Application.
14. The carport has a gutter and downspouts that retain all rain water run-off on the subject property.
15. The color and appearance of the existing 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.
16. The existing 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.
17. The existing 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.
18. The carport is not within the clear sight triangle.
19. Transportation issued a report indicating the existing carport does not present a hazard to traffic visibility, as required by Section 14-16-6-6(L)(3)(d)4.
20. The carport is not taller than the primary building on the subject lot as required by Section 14-16-6-6(L)(3)(d)5.
21. 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).
22. The ZHE finds that the Applicant has authority to pursue this Application.

CONCLUSIONS OF LAW:

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

DECISION:

APPROVAL of a permit to allow for a carport in the front or side 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
Mark Hovey, 4509 Comanche Rd NE, 87110