Richard Galko (Agent, Gilbert Austin) requests a permit-carport for Lot 21, Block 2, El Rancho Atrisco Unit 3, located at 2512 Los Compadres NW, zoned R-1 [Section 14-16-5-5-F-2]

Special Exception No: **VA-2021-00063**
Project No: .... **Project#2021-005182**
Hearing Date: 04-20-21
Closing of Public Record: 04-20-21
Date of Decision: 05-05-21

On the 20th day of April, 2021, Gilbert Austin, agent for property owner Richard Galko ("Applicant") appeared before the Zoning Hearing Examiner ("ZHE") requesting a permit-carport ("Application") upon the real property located at 2512 Los Compadres NW ("Subject Property"). Below are the ZHE's finding of fact and decision:

FINDINGS:

1. Applicant is requesting a permit-carport.
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. All property owners within 100 feet and affected neighborhood associations were notified of the application.
5. Applicant appeared and gave evidence in support of the application.
6. Applicant has met its burden of providing evidence that establishes that the proposed carport would strengthen or reinforce the architectural character of the surrounding area. Specifically, Applicant submitted evidence that the design of the carport comports with that of the residence on site and is in harmony with architecture of neighboring properties.
7. Applicant has met its burden of providing evidence that establishes that the proposed carport would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community. Specifically, Applicant submitted evidence that the carport would not impact views from adjacent properties and that no water from the carport would flow onto adjacent properties.

8. Applicant has met its burden of providing evidence that establishes that the proposed carport complies with IDO Subsection 14-16-5-5(F)(2)(a)(2)(a) (Carports). Applicant submitted evidence confirming the same.
9. The City Traffic Engineer issued a report indicating no objection to the proposed carport.
10. Applicant has met its burden of providing evidence that establishes that the proposed carport is not taller than the primary building on the lot. Specifically, Applicant submitted evidence that the top of the carport would be lower than the primary residence on the lot.

<u>DECISION:</u>

APPROVAL of a permit to allow a permit-carport.

<u>APPEAL:</u>

If you wish to appeal this decision, you must do so by May 20, 2021 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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Robert Lucero, Esq.
Zoning Hearing Examiner

cc: ZHE File
    Zoning Enforcement
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