



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

Roberta Lira (Agent, Jesus Lira) requests a permit carport for Lot 8, Block 14, Baron Burg Heights Mendelsbergs, located at 629 Cardenas DR SE, zoned R-1B [Section 14-16-5-5(F)(2)(a)(3)(b)]

Special Exception No: ..... **VA-2023-00028**  
Project No: ..... **Project#2023-008187**  
Hearing Date: ..... 05-16-23  
Closing of Public Record: ..... 05-16-23  
Date of Decision: ..... 05-31-23

On the 16<sup>th</sup> day of May, 2023, Jesus Lira, agent for property owner Roberta Lira (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a permit carport (“Application”) upon the real property located at 629 Cardenas DR SE (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting permit-carport.
2. The City of Albuquerque Integrated Development Ordinance Section 14-16-6-6(G)(3) lists the criteria for approval of a permit-carport:
  - 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. Applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO Section 14-16-6-4(E)(3).
4. Applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO Section 14-16-6-4(E)(4).
5. All property owners within 100 feet and affected neighborhood associations were notified of the application.
6. The subject property is currently zoned R-1B.
7. Agent appeared and gave evidence in support of the application.
8. 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 testified that the design of the carport comports with that of the residence on site and is in harmony with architecture of neighboring properties.
9. 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 testified that the carport would not impact views from adjacent properties and that no water from the carport would flow onto adjacent properties.
10. While some neighbors expressed concerns regarding Applicant's activities on the Subject Property, the bulk of these concerns did not involve the proposed carport. There were concerns expressed regarding the proposed carport blocking views; however, the location of the proposed carport and the fact that it will not have any solid walls mitigate against any potential impact on views.
  11. 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).
  12. The City Traffic Engineer issued a report indicating no objection to the proposed carport.
  13. Applicant has met its burden of providing evidence that establishes that the proposed carport is not taller than the primary building on the lot. Although existing posts intended for the proposed carport are currently taller than the primary building on the lot, Applicant agreed to reduce their height, such that the top of the carport would be lower than the primary building on the lot.

DECISION:

APPROVAL WITH CONDITION of a permit-carport.

CONDITION:

All existing carport improvements will be reduced in height, so that no portion of the carport is taller than the primary building on the lot.

APPEAL:

If you wish to appeal this decision, you must do so by June 15, 2023 pursuant to Section 14-16-6-4(V), 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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Zoning Hearing Examiner

cc: ZHE File  
Zoning Enforcement  
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