



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

Jeffrey & Sibylle Pilgrim request a permit-carport for Lot 16, Block 6, Huning Castle Addn, located at 1715 Los Alamos Ave SW, zoned R-1D [Section 14-16-5-5(F)(2)(a)(3)(b)]

Special Exception No: **VA-2023-00173**
Project No: **Project#2023-008899**
Hearing Date: 09-19-23
Closing of Public Record: 09-19-23
Date of Decision: 10-04-23

On the 19th day of September, 2023, property owners Jeffrey & Sibylle Pilgrim (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a permit-carport (“Application”) upon the real property located at 1715 Los Alamos Ave SW (“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) states: the criteria for 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)3 (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. The subject property is currently zoned R-1D.
6. Applicants appeared and gave evidence in support of the application.
7. Several community members appeared and provided testimony at the September 19, 2023 ZHE hearing, as well as written submittals leading up to that hearing.
8. The applicable neighborhood association submitted correspondence stating that, after thorough review and discussion, its board voted to take no position on the Application.
9. On balance, 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. It appears from evidence in the record that there are numerous carports in the neighborhood, all with distinctly different architectural styles. Homes in the area exhibit a

wide variety of architectural styles, and of those homes that have carports, some utilize different architectural styles between the home and the carport. The owner of an adjacent property and other community members oppose the Application, stating that the proposed carport will be steel while the house is Territorial style. However, Applicant testified that the design of the carport is in harmony with that of the residence on site and is also in harmony with architecture of certain neighboring properties and carports. The plan drawings submitted into the record, prepared by a design firm and stamped by a licensed professional engineer, reinforce these assertions that the proposed carport would strengthen or reinforce architectural character of the surrounding area.

10. 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. Applicant testified that the carport would not impact views from the adjacent property closest to the carport. The adjacent neighbor opposed the proposed carport based on its length; however, it is unclear how the proposed length would be injurious. Based on the plans in the record, it appears that no water from the carport would flow onto adjacent properties. All setbacks would be observed and, accordingly, the requested permit does not require a variance (pursuant to the IDO, carports may be placed no less than three feet from side and front lot lines without a variance). Neighbors from across the street, who would be most impacted by views of the proposed carport, testified in support of the Application.
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)(3) (Carports). No portion of the proposed carport would extend into any clear sight triangle. All applicable setbacks are satisfied. The Subject Property is not located in an area where the IDO prohibits 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. Applicant testified that the top of the carport would be lower than the primary residence on the lot. Written submittals in the record support the same.

DECISION:

APPROVAL of a permit-carport.

APPEAL:

If you wish to appeal this decision, you must do so by October 19, 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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cc: ZHE File

Zoning Enforcement

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