



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

Hunter Broeck and Barbara Broeck (Agent, Modulus Design, Walter Gill) request for a permit to allow a carport in the side yard setback for Lot 46, McDonald Acres Unit 4, located at 1109 La Poblana Rd NW, zoned R-1D [Section 14-16-6-6(G)]

Special Exception No: **VA-2023-00375**
Project No:..... **Project#2023-009711**
Hearing Date: 02-20-24
Closing of Public Record: 02-20-24
.....
Date of Decision:..... 03-06-24

On the 20th day of February, 2024, Walter Gill (“Agent”) appeared on behalf of Hunter Broeck and Barbara Broeck (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a permit carport (“Application”) upon the real property located at 1109 La Poblana Rd NW (“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 (“IDO”) Section 14-16-6-6(G)(3) states: “An application for a Permit – Carport shall be approved if all of the following criteria are met.
 - 6-6(G)(3)(a) *The carport would strengthen or reinforce the architectural character of the surrounding area.*
 - 6-6(G)(3)(b) *The carport would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community.*
 - 6-6(G)(3)(c) *The design of the carport complies with the provisions in Subsection 14-16-5-5(F)(2)(a)3 (Carports).*
 - 6-6(G)(3)(d) *No carport wall is a hazard to traffic visibility, as determined by the Traffic Engineer.*
 - 6-6(G)(3)(e) *The carport is not taller than the primary building on the lot.*
3. The Applicant has authority to pursue this Application.
4. 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).
5. 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).
6. All property owners within 100 feet and affected neighborhood associations were notified of the application. The proper “Notice of Hearing” signage was posted for the required time period as required by Section 14-16-6-4(K)(3).
7. The subject property is currently zoned R-1D.

8. Applicant appeared and gave evidence in support of the application.
9. Applicant has met the 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.
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. Specifically, Applicant testified that the carport would be setback three feet from the existing front façade and that it does not impede anything.
11. Applicant has met its burden of providing evidence that establishes that the design of 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. Specifically, Applicant testified that the carport would be less than the height of the house, which is sixteen feet, and “*less than thirteen feet from the existing grade*”.

DECISION:

APPROVAL of a permit-carport.

APPEAL:

If you wish to appeal this decision, you must do so by March 21, 2024 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.



Robert Lucero, Esq.
Zoning Hearing Examiner

cc: ZHE File
Zoning Enforcement