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

James Chavez (Agent, Gilbert Austin, Austin's Carports) requests a metal carport for Lot 8, Block 60, Princess Jeanne Park Addn, located at 1404 Tomasita St NE, zoned R-1B [IDO Section 14-16-5-5(F)(2)(a)(3) Ref. 14-16-6-6(G)]

Special Exception No:	**MZP-2025-00014**
Project No:.....	**NONE**
Hearing Date:.....	07-15-25
Closing of Public Record:.....	07-30-25
Date of Decision:	07-30-25

On July 15, 2025, Gilbert Austin, Austin's Carports ("**Agent**") as agent for James Chavez ("**Applicant**") was scheduled to appear before the Zoning Hearing Examiner (the "**ZHE**") requesting a Permit-Carport ("**Application**") upon the real property located at 1404 Tomasita St NE (the "**Subject Property**"). Below are the ZHE's findings of fact and decision:

FINDINGS:

1. Applicant is requesting a Permit-Carport, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance ("**IDO**") Section 14-16-6-6(G).
2. Applicant has authority to pursue this Application, pursuant to 14-16-6-4(D).
3. The Planning Director's delegee has determined that the Application is complete, pursuant to IDO Section 14-16-6-4(G).
4. The content of the notice of the Application satisfies IDO Section 14-16-6-4(J)(1).
5. Applicant sent an electronic mail notice to the email addresses on file with the Office of Neighborhood Coordination for each pertinent Neighborhood Association as required by IDO Section 14-16-6-4(J)(2).
6. Applicant sent mailed notice to all property owners within 100 feet of the subject property as required by IDO Section 14-16-6-4(J)(3).
7. Applicant posted sign notice(s) as required by IDO Section 14-16-6-4(J)(4).
8. The Subject Property is located in the R-1C zone district.
9. Therefore, a carport on the Subject Property requires a Permit-Carport Approval pursuant to IDO Subsection 14-16-6-6(G).
10. IDO Section 14-16-6-6(G)(3) (Review and Decision Criteria for a Permit-Carport) reads: *"An application for a Permit-Carport shall be approved if all of the following criteria are met.*
    - *(a) The carport would strengthen or reinforce the architectural character of the surrounding area.*
    - *(b) The 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.

11. 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).
12. 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).
13. Applicant appeared at the ZHE hearing on the Application and gave evidence in support of the Application.
14. Applicant has met the burden of providing evidence that established that the requested carport would strengthen or reinforce the architectural character of the surrounding area. The carport is designed to complement the existing home,
15. Applicant has met the burden of providing evidence that establishes that the requested carport would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community. The carport would cause no such injury.
16. Applicant has met the burden of providing evidence that establishes that the design of the carport complies with the provisions in Subsection 14-16-5-5(F)(2)(a)3 (Carports).
17. Applicant has met the burden of providing evidence that establishes that no carport wall is a hazard to traffic visibility, as determined by the Traffic Engineer. The Traffic Engineer submitted a report stating no objection to the proposed carport.
18. Applicant has met the burden of providing evidence that establishes that the requested carport is not taller than the primary building on the lot.

DECISION:

APPROVAL of a Permit-Carport.

APPEAL:

If you wish to appeal this decision, you must do so by August, 14, 2025 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 Notice of Decision does not constitute approval of plans for a building permit. If your Application is approved, bring this Notice of Decision with you when you apply for any related building permit or occupation tax number. Approval of a Conditional Use is void after two (2) years from date of approval if the rights and privileges granted thereby have not been executed or utilized. Approval of a Variance is void after one (1) year from date of approval if the rights and privileges granted thereby have not been executed or utilized.

Robert Lucero, Esq.
Zoning Hearing Examiner

cc: ZHE File
Zoning Enforcement
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