



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

Kirk E. Mazzie (Agent, Gilbert Austin / Austin's Carports) requests a Carport Permit for Lot 9, Block 4, Altura Addition, located at 1400 Aliso Drive NE, zoned R-1C [IDO Sections 14-16-5-5(F)(2)(a)(3); 14-16-6-6(G)]

Special Exception No: .... **MZP-2025-00017**  
Project No: ..... **NONE**  
Hearing Date: ..... 08-19-2025  
Closing of Public Record: 08-19-2025  
Date of Decision: ..... 09-03-2025

On August 19, 2025, Kirk E. Mazzie (Agent, Gilbert Austin / Austin's Carports) ("**Applicant**") was scheduled to appear before the Zoning Hearing Examiner (the "**ZHE**") requesting a Permit-Carport ("**Application**") upon the real property located at 1400 Aliso Drive 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. Agent and 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. Applicant submits that the carport is designed to complement the existing home, and will be finished to complement the existing home, which is typical of the neighborhood. Two neighbors opposed the Application, arguing that it violates private restrictive covenants. However, it is not the appropriate role of the City to enforce private covenants. Rather, the ZHE and City staff must enforce the requirements of the IDO. Also, one of the complainants testified that the architectural control committee, which enforces the private covenants, appears to be defunct. Applicant provided notice of the Application to all required neighborhood associations, none of which appear to object to the Application.
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. The next-door neighbor is apparently in support of the Application and, based on a photo in the record, would have no negative impacts to views or visibility. There is only one next-door neighbor who would be affected as being able to see the carport, as the Subject Property is a corner lot and the other next-door neighbor cannot see the proposed carport from that property. The property across Aliso Dr NE, to the west, does not face the carport and, based on aerial photographs, would have minimal views of the carport because of existing vegetation. The properties across Solano Pl. NE, to the south, would have views of the carport across Solano. Of those neighbors one objected by letter, citing violations of setback requirements and restrictions, apparently based on private covenants (the carport proposed in the Application would violate no IDO setback), and potential negative impacts on property values. See discussion, above. Applicant testified that the carport would increase property values. On balance, Applicant has satisfied this IDO requirement.
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 September 18, 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.



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cc: ZHE File  
Zoning Enforcement  
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