

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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ZONING HEARING EXAMINER

NOTICE OF DECISION

Special Exception Number: MZP-2026-00047

Project Number: PR-2026-000147

Hearing Date: 09-15-26

Closing of Public Record: 09-15-26

Date of Decision: 09-30-26

Case Description: Shiloh C Morgan (Owner) requests a Major Zoning Permit - Carport for LOT 15 BLOCK 2 PLAT OF VALENCIA ESTATES SUBDIVISION CONT .0992 AC, located at 736 Libby Ave SW, zoned R-1 [IDO §§ 14-16-6-6(G) and 14-16-5-5(F)(2)(a)3].

On September 15, 2026, Shiloh C Morgan (Owner) appeared before the Zoning Hearing Examiner ("ZHE") requesting a Permit - Carport ("Application") for the real property located at 736 Libby Ave SW ("Subject Property"). The ZHE makes the following findings of fact and decision.

FINDINGS:

1. Applicant requests a Permit - Carport pursuant to IDO § 14-16-6-6(G) for Lot 15, Block 2, Plat of Valencia Estates Subdivision, containing approximately 0.0992 acre and located at 736 Libby Ave SW.
2. Applicant has authority to pursue the Application pursuant to IDO § 14-16-6-4(D), and Applicant has not authorized an agent to act on Applicant's behalf regarding the Application.
3. The Planning Director's designee determined that the Application was complete pursuant to IDO § 14-16-6-4(G).
4. The analyses and studies listed in IDO § 14-16-6-4(H) were not required.
5. The Application was referred to commenting agencies pursuant to IDO § 14-16-6-4(I).
6. The content of the public notice satisfied IDO § 14-16-6-4(J)(1). Applicant sent electronic mail notice to the email addresses on file with the Office of Neighborhood Coordination for the pertinent Neighborhood Associations, sent mailed notice to property owners within 100 feet of the Subject Property, and posted sign notice as required by IDO § 14-16-6-4(J)(2), (3), and (4).
7. The Subject Property is zoned R-1.
8. IDO § 14-16-5-5(F)(2)(a)3 establishes the following use-specific standards for carports:

- a. Where carports are allowed pursuant to this Subsection 3, they shall not extend into any required clear sight triangle.*
- b. In the R-A, R-1, R-T, R-ML, R-MH, and MX-T zone districts, no carport wall may be built within the required front or side setback area unless a Permit - Carport is approved pursuant to § 14-16-6-6(G).*
- c. In the R-A, R-1, R-T, R-ML, R-MH, and MX-T zone districts, no portion a carport structure may be located within 3 feet of a lot line.*
- d. Carports are prohibited within any front yard in the following small areas: i. Downtown Neighborhood Area - CPO-3; ii. Monte Vista and College View Historic District.*

9. The site plan and substantial evidence in the record establish that the proposed carport does not extend into a required clear sight triangle. The City Traffic Engineer submitted no objection, and the evidence presented at the hearing confirmed compliance with IDO § 14-16-5-5(F)(2)(a)3.a.

10. The site plan shows the carport within required front and side setback areas. A Permit - Carport is therefore required under IDO § 14-16-5-5(F)(2)(a)3.b. IDO § 14-16-6-6(G)(1) makes the Permit - Carport procedure applicable to a carport in a required front or side setback, and IDO § 14-16-6-6(G)(2)(b) directs the ZHE to conduct a public hearing and make a written decision on the Application.

11. The site plan shows a portion of the carport at the side lot line. In the companion proceeding, VA-2026-00127, the ZHE approved a three-foot variance from IDO § 14-16-5-5(F)(2)(a)3.c, allowing the carport to be located at the side lot line. As varied by that approval, the proposed carport satisfies Subsection 3.c.

12. Substantial evidence in the record establishes that the Subject Property is not within the Downtown Neighborhood Area - CPO-3 or the Monte Vista and College View Historic District. The prohibition in IDO § 14-16-5-5(F)(2)(a)3.d is therefore not applicable.

13. IDO § 14-16-6-6(G)(3) provides:

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 § 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.*

14. Applicant bears the burden of providing a sound justification based on substantial evidence and of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary pursuant to IDO § 14-16-6-4(E)(3) and (4).

15. Applicant appeared at the September 15, 2026 hearing and testified in support of the Application. Where written evidence did not independently establish a required fact, the hearing testimony confirmed it, and substantial evidence in the record establishes the facts found below.

16. As to IDO § 14-16-6-6(G)(3)(a), the application materials depict an all-metal carport with a simple shed or lean-to form. The application materials and Applicant's hearing testimony establish that the primary dwelling has a metal roof and that the carport's materials, form, and residential scale are compatible with and reinforce the architectural character of the Subject Property and surrounding residential area. The criterion is met.

17. As to IDO § 14-16-6-6(G)(3)(b), the site plan, agency comments, absence of public opposition, and Applicant's hearing testimony establish that the carport will not be injurious to adjacent properties, the surrounding neighborhood, or the larger community. The criterion is met.

18. As to IDO § 14-16-6-6(G)(3)(c), Findings 9 through 12 establish compliance with the use-specific provisions in IDO § 14-16-5-5(F)(2)(a)3, including the side lot-line separation standard as modified by the variance approved in VA-2026-00127. The criterion is met.

19. As to IDO § 14-16-6-6(G)(3)(d), the City Traffic Engineer submitted no objection. The site plan and hearing testimony establish that the open-sided post design does not create a traffic-visibility hazard. The criterion is met.

20. As to IDO § 14-16-6-6(G)(3)(e), the application materials and Applicant's hearing testimony establish that the carport is lower than the primary building on the lot. The criterion is met.

21. The City Traffic Engineer and Historic Preservation staff submitted comments stating no objection to the Application. No public opposition was submitted or presented.

22. Pursuant to IDO § 14-16-6-4(M)(1), the ZHE reviewed Applicant's justification and finds it sound based on the substantial evidence identified in these findings.

23. Pursuant to IDO § 14-16-6-4(M)(2), the Application may be approved because all specific review and decision criteria in IDO § 14-16-6-6(G)(3) have been met.

24. IDO § 14-16-6-4(M)(3) does not supply a separate approval test because IDO § 14-16-6-6(G)(3) lists specific review and decision criteria for this Application.

25. The record does not establish any basis for denial under IDO § 14-16-6-4(M)(4).

DECISION:

APPROVAL of a Major Zoning Permit - Carport for LOT 15 BLOCK 2 PLAT OF VALENCIA ESTATES SUBDIVISION CONT .0992 AC, located at 736 Libby Ave SW.

APPEAL:

If you wish to appeal this decision, you must do so by October 15, 2026. Pursuant to § 14-16-6-4(U), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal.

PERIOD OF VALIDITY:

Approval of a Permit – Carport is valid for one (1) year from date of approval.

OTHER REQUIREMENTS:

THIS NOTICE OF DECISION DOES NOT CONSTITUTE APPROVAL OF PLANS FOR A BUILDING PERMIT.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. If your Application is approved, submit this Notice of Decision when you apply for any related site plan, building permit, or other necessary permit.

A handwritten signature in dark ink, appearing to read "Robert Lucero".

Robert Lucero, Esq.
Zoning Hearing Examiner

cc: ("Applicant") Shiloh C Morgan
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ZHE File
Zoning Enforcement