



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

Sandra Ruiz (Owner) requests a Permit – Carport for Lots 69-P1 and 70-P1, Block 0000, San Ygnacio Place, located at 8820 Templeton Ave SW, zoned R-1 (L-09), pursuant to IDO § 14-16-6-6(G).

Special Exception No:	MZP-2026-00048
Project No:	PR-2026-000146
Hearing Date:	09-15-2026
Closing of Public Record:	09-15-2026
Date of Decision:	09-30-2026

On September 15, 2026, Sandra Ruiz (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a Permit – Carport (“Application”) upon the real property located at 8820 Templeton Avenue SW (“Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS, CARPORT:

1. Applicant is requesting a Permit – Carport, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“IDO”) § 14-16-6-6(G).
2. Applicant has authority to pursue this Application, pursuant to IDO § 14-16-6-4(D).
3. Applicant has not authorized an agent to act on Applicant’s behalf regarding the Application.
4. Applicant was not required to offer a meeting to Indian Nations, Tribes, and Pueblos pursuant to IDO § 14-16-6-4(B).
5. The Planning Director’s designee determined that the Application was complete as of July 24, 2026, pursuant to IDO § 14-16-6-4(G).
6. The analyses and studies listed in IDO § 14-16-6-4(H) were not required.
7. The Application was forwarded to commenting agencies pursuant to IDO § 14-16-6-4(I).
8. The content of the notice of the Application satisfies IDO § 14-16-6-4(J)(1).
9. Applicant sent electronic mail notice to the email addresses on file with the Office of Neighborhood Coordination for each pertinent Neighborhood Association as required by IDO § 14-16-6-4(J)(2).
10. Applicant sent mailed notice to all property owners within 100 feet of the Subject Property as required by IDO § 14-16-6-4(J)(3).
11. Applicant posted sign notice as required by IDO § 14-16-6-4(J)(4).
12. The Subject Property is in the R-1 zone district. Substantial evidence in the record, including the application materials, site plan, and Applicant’s sworn hearing testimony, establishes that at least one carport wall is within a required side setback at the rear portion of the lot.
13. Therefore, the proposed carport requires Permit – Carport approval pursuant to IDO §§ 14-16-5-5(F)(2)(a)3.b and 14-16-6-6(G)(1).
14. IDO § 14-16-6-6(G)(3) (*Review and Decision Criteria*) 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 § 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.”*
15. Applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO § 14-16-6-4(E)(3).
 16. Applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO § 14-16-6-4(E)(4).
 17. In order to be approved, the Application must also meet the general review and decision criteria in IDO § 14-16-6-4(M).
 18. Applicant appeared at the September 15, 2026 ZHE hearing and gave sworn testimony in support of the Application.
 19. Substantial evidence in the record, including the application materials and Applicant’s sworn hearing testimony concerning the carport’s size, approximately 9-foot height, materials, design, and placement, establishes that the carport would strengthen or reinforce the architectural character of the surrounding area, as required by IDO § 14-16-6-6(G)(3)(a).
 20. Substantial evidence in the record, including the application materials and Applicant’s sworn hearing testimony, establishes that the carport would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community, as required by IDO § 14-16-6-6(G)(3)(b).
 21. Substantial evidence in the record establishes that the carport complies with the applicable provisions of IDO § 14-16-5-5(F)(2)(a)3, as detailed in Findings 26 through 29 below, and therefore satisfies IDO § 14-16-6-6(G)(3)(c).
 22. The City Traffic Engineer submitted a comment stating no objection to the Application. The site plan, agency comment, and Applicant’s sworn hearing testimony constitute substantial evidence that no carport wall is a hazard to traffic visibility, as required by IDO § 14-16-6-6(G)(3)(d).
 23. Substantial evidence in the record, including the application materials and Applicant’s sworn hearing testimony, establishes that the approximately 9-foot-tall carport is not taller than the primary building on the lot, as required by IDO § 14-16-6-6(G)(3)(e).
 24. The City Traffic Engineer submitted a comment stating no objection to the Application.
 25. Substantial evidence in the record, including the application materials, site plan, and Applicant’s sworn hearing testimony, establishes that the proposed structure is roofed, used for parking vehicles, located over a parking area or driveway, and not enclosed on at least two sides. It therefore meets the IDO definition of Carport.
 26. Substantial evidence in the record, including the site plan and Applicant’s sworn hearing testimony, establishes that the carport does not extend into a required clear sight triangle, as required by IDO § 14-16-5-5(F)(2)(a)3.a.
 27. The site plan and Applicant’s sworn hearing testimony establish that a carport wall is within a required side setback. Approval of this Permit – Carport satisfies the approval mechanism in IDO § 14-16-5-5(F)(2)(a)3.b.
 28. Substantial evidence in the record establishes that the carport is 1.5 feet from the affected lot line. The concurrently approved Variance – ZHE, VA-2026-00126, provides the required relief from IDO § 14-16-5-5(F)(2)(a)3.c.
 29. Substantial evidence in the record, including the application materials and Applicant’s sworn hearing testimony, establishes that the carport is not within a front yard in the Downtown Neighborhood Area – CPO-3 or the Monte Vista and College View Historic District. IDO § 14-16-5-5(F)(2)(a)3.d does not prohibit the carport.

30. The application materials and Applicant's sworn hearing testimony establish an approximate carport height of 9 feet, below the 26-foot maximum building height for the R-1 zone district in IDO Table 2-3-3.
31. Applicant provided a sound justification for the request based on substantial evidence, satisfying IDO § 14-16-6-4(M)(1).
32. The specific review and decision criteria in IDO § 14-16-6-6(G)(3) and the applicable carport standards in IDO § 14-16-5-5(F)(2)(a)3 are met, satisfying IDO § 14-16-6-4(M)(2).

DECISION:

APPROVAL of a Permit – Carport for Lots 69-P1 and 70-P1, Block 0000, San Ygnacio Place, located at 8820 Templeton Avenue SW.

APPEAL:

If you wish to appeal this decision, you must do so by October 15, 2026 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.

PERIOD OF VALIDITY:

Approval of a Permit – Carport is valid for one (1) year from the 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. Submit this Notice of Decision when applying for any related Site Plan, building permit, or other necessary permit.



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