



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

Sandra Ruiz (Owner) requests a Variance of 1.5 feet from the required 3-foot minimum separation from a lot line, allowing a carport to be located 1.5 feet from the affected lot line, for Lot 69-P1, Block 0000, San Ygnacio Place, located at 8820 Templeton Ave SW, zoned R-1 (L-09), pursuant to IDO §§ 14-16-5-5(F)(2)(a)3.c and 14-16-6-6(O).

Special Exception No:	VA-2026-00126
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 (the “ZHE”) requesting a Variance of 1.5 feet from the required 3-foot minimum separation from a lot line, allowing the carport to be located 1.5 feet from the affected lot line (“Application”), upon the real property located at 8820 Templeton Avenue SW (the “Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS, VARIANCE FOR CARPORT SEPARATION FROM A LOT LINE:

1. Applicant is requesting a Variance of 1.5 feet from the required 3-foot minimum separation from a lot line, allowing the carport to be located 1.5 feet from the affected lot line, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“IDO”) § 14-16-6-6(O).
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. The Planning Director’s designee determined that the Application was complete as of July 24, 2026, pursuant to IDO § 14-16-6-4(G).
5. The Application was forwarded to commenting agencies pursuant to IDO § 14-16-6-4(I).
6. The content of the notice of the Application satisfies IDO § 14-16-6-4(J)(1).
7. Applicant provided evidence that electronic mail notice was sent 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).
8. Applicant provided evidence that mailed notice was sent to all property owners within 100 feet of the Subject Property as required by IDO § 14-16-6-4(J)(3).
9. Applicant provided evidence that sign notice was posted as required by IDO § 14-16-6-4(J)(4).
10. The Subject Property is in the R-1 zone district. IDO § 14-16-5-5(F)(2)(a)3.c provides that no portion of a carport structure in the R-1 zone district may be located within 3 feet of a lot line. Substantial evidence in the record, including the site plan and Applicant’s sworn hearing testimony, establishes that the carport is 1.5 feet from the affected lot line.
11. Therefore, the requested 1.5-foot Variance from the 3-foot minimum separation standard requires Variance – ZHE approval pursuant to IDO §§ 14-16-6-6(O)(1) and 14-16-6-6(P)(1)(c)1.
12. IDO § 14-16-6-6(O)(3)(a) (*Review and Decision Criteria – Variance*) reads: “An application for a Variance – ZHE shall be approved if it meets all of the following criteria.

1. *There are special circumstances applicable to a single lot that are not self-imposed and that do not apply generally to other property in the same zone district and vicinity, including but not limited to size, shape, topography, location, surroundings, physical characteristics, natural forces, or by government actions for which no compensation was paid. Such special circumstances of the lot either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or economic return on the property, or practical difficulties result from strict compliance with the minimum standards.*
 2. *The Variance will not be materially contrary to the public safety, health, or welfare.*
 3. *The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.*
 4. *The Variance will not materially undermine the intent and purpose of this IDO, the applicable zone district, or any applicable Overlay Zone.*
 5. *The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.”*
13. 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).
 14. 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).
 15. In order to be approved, the Application must also meet the general review and decision criteria in IDO § 14-16-6-4(M).
 16. Applicant appeared at the September 15, 2026 ZHE hearing and gave sworn testimony in support of the Application.
 17. Substantial evidence in the record, including the application materials, site plan, and Applicant’s sworn hearing testimony, establishes lot-specific physical and locational circumstances that are not self-imposed and do not apply generally to other property in the same zone district and vicinity, and that strict compliance with the minimum standard would create practical difficulties. This finding does not rely merely on the existence of the carport. IDO § 14-16-6-6(O)(3)(a)1 is satisfied.
 18. Substantial evidence in the record, including the application materials, the City Traffic Engineer’s no-objection comment, and Applicant’s sworn hearing testimony, establishes that the Variance will not be materially contrary to the public safety, health, or welfare. Any required building, fire, or other permits remain independently applicable. IDO § 14-16-6-6(O)(3)(a)2 is satisfied.
 19. Substantial evidence in the record, including the application materials and Applicant’s sworn hearing testimony, establishes that the Variance will not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity. IDO § 14-16-6-6(O)(3)(a)3 is satisfied.
 20. Substantial evidence in the record, including the limited and site-specific nature of the requested relief and Applicant’s sworn hearing testimony, establishes that the Variance will not materially undermine the intent and purpose of the IDO, the R-1 zone district, or any applicable Overlay Zone. IDO § 14-16-6-6(O)(3)(a)4 is satisfied.
 21. Applicant’s sworn hearing testimony concerning relocation, reduction, and alternative placement, together with the application materials and site plan, constitutes substantial evidence that the requested 1.5-foot Variance is the minimum necessary to avoid the established practical difficulties. IDO § 14-16-6-6(O)(3)(a)5 is satisfied.
 22. The City Traffic Engineer submitted a comment stating no objection to the Application.
 23. The Variance is associated with Permit – Carport MZP-2026-00048 and is noted in that approval, consistent with IDO § 14-16-6-6(O)(2)(f).

24. Substantial evidence in the record, including the site plan and Applicant's sworn hearing testimony, establishes that the carport is 1.5 feet from the affected lot line and therefore requires the approved relief from IDO § 14-16-5-5(F)(2)(a)3.c.
25. Applicant provided a sound justification for the request based on substantial evidence, satisfying IDO § 14-16-6-4(M)(1).
26. The specific review and decision criteria in IDO § 14-16-6-6(O)(3)(a) are met, satisfying IDO § 14-16-6-4(M)(2).

DECISION:

APPROVAL of a Variance of 1.5 feet from the required 3-foot minimum separation from a lot line, allowing the carport to be located 1.5 feet from the affected lot line, for Lot 69-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 Variance 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 building permit or other necessary permit.



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ZHE File
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