



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

Julia Pozzi requests a Permit – Carport for
* 019 036 BEL AIR SUB, located at 2646
Montclair Dr NE, zoned R-1.

Special Exception No:	MZP-2026-00049
Project No:	None
Hearing Date:	09-15-26
Closing of Public	09-15-26
Record:	
Date of Decision:	09-30-26

On September 15, 2026, Julia Pozzi (“Applicant”), through Gilbert Austin of Austin’s Carports (“Agent”), appeared before the Zoning Hearing Examiner (“ZHE”) requesting a Permit – Carport (“Application”) upon the real property located at 2646 Montclair Dr NE (“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”) § 14-16-6-6(G).
2. Applicant has authority to pursue this Application pursuant to IDO § 14-16-6-4(D), as established by the application materials and the testimony presented at the hearing.
3. Applicant duly authorized Agent Gilbert Austin of Austin’s Carports to act on Applicant’s behalf regarding the Application, as established by the application materials and Agent’s hearing testimony.
4. A pre-submittal tribal meeting was not required for this Application pursuant to IDO § 14-16-6-4(B) and Table 6-1-1.
5. The Planning Director’s designee determined that the Application was complete pursuant to IDO § 14-16-6-4(G).
6. The analyses and studies listed in IDO § 14-16-6-4(H) were not required for this Application.
7. The Application was forwarded to commenting agencies pursuant to IDO § 14-16-6-4(I).
8. The staff report and hearing testimony constitute substantial evidence in the record establishing that the content of notice satisfied IDO § 14-16-6-4(J)(1).
9. The staff report and hearing testimony constitute substantial evidence in the record establishing that Applicant sent electronic-mail notice to the pertinent Neighborhood Associations as required by IDO § 14-16-6-4(J)(2).

10. The staff report and hearing testimony constitute substantial evidence in the record establishing that Applicant sent mailed notice to property owners within 100 feet of the Subject Property as required by IDO § 14-16-6-4(J)(3).
11. The staff report and hearing testimony constitute substantial evidence in the record establishing that Applicant posted sign notice as required by IDO § 14-16-6-4(J)(4).
12. The staff report establishes that the Subject Property is zoned R-1. The site plan and hearing testimony establish that the proposed carport is located within required front and side setback areas.
13. IDO § 14-16-5-5(F)(2)(a)3.b provides that, in the R-1 zone district, no carport wall may be built within a required front or side setback area unless a Permit – Carport is approved pursuant to IDO § 14-16-6-6(G). The Application therefore requires ZHE approval.
14. IDO § 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 § 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 through Agent at the September 15, 2026 ZHE hearing, and Agent presented testimony and evidence in support of the Application.
19. Under IDO § 14-16-6-4(M)(1), the ZHE may approve the request only upon finding that Applicant’s justification is sound based on substantial evidence. Applicant’s written justification, site plan, Exhibit A-1 photograph, staff report, agency comments, and hearing testimony constitute substantial evidence and provide a sound justification for approval.
20. Under IDO § 14-16-6-4(M)(2), the Application may be approved only if the specific review and decision criteria are met. As established in Findings 23 through 31 below, all criteria in IDO § 14-16-6-6(G)(3) and all material standards in IDO § 14-16-5-5(F)(2)(a)3 are met.

21. IDO § 14-16-6-4(M)(3) does not supply an additional approval criterion because IDO § 14-16-6-6(G)(3) lists specific review and decision criteria for a Permit – Carport.
22. The record contains no evidence of any ground for denial under IDO § 14-16-6-4(M)(4).
23. Applicant has met the burden under IDO § 14-16-6-6(G)(3)(a). Applicant’s written justification, Exhibit A-1 photograph, the staff report, and Agent’s hearing testimony constitute substantial evidence establishing that the carport’s ornamental design, color, and scale strengthen or reinforce the architectural character of the surrounding residential area.
24. Applicant has met the burden under IDO § 14-16-6-6(G)(3)(b). Applicant’s written justification, the site plan, the absence of objections in the record, and Agent’s hearing testimony concerning the carport’s location, open design, and drainage controls constitute substantial evidence establishing that the carport will not be injurious to adjacent properties, the surrounding neighborhood, or the larger community.
25. IDO § 14-16-5-5(F)(2)(a)3.a prohibits a carport from extending into a required clear sight triangle. The site plan and Agent’s hearing testimony constitute substantial evidence establishing that no portion of the proposed carport extends into a required clear sight triangle.
26. IDO § 14-16-5-5(F)(2)(a)3.b requires a Permit – Carport for a carport wall in a required front or side setback in the R-1 zone district. The site plan, staff report, and Agent’s hearing testimony establish that the proposed carport is in required front and side setback areas and is therefore the subject of this Permit – Carport Application.
27. IDO § 14-16-5-5(F)(2)(a)3.c prohibits any portion of a carport structure from being located within 3 feet of a lot line. The site plan shows 3 feet from the south lot line and 5 feet from the west lot line, and Agent’s hearing testimony confirmed that those dimensions include the roof and overhang. Substantial evidence therefore establishes compliance with this standard.
28. IDO § 14-16-5-5(F)(2)(a)3.d prohibits carports in a front yard within the Downtown Neighborhood Area – CPO-3 and the Monte Vista and College View Historic District. The staff report and hearing testimony constitute substantial evidence establishing that the Subject Property is in neither listed area; the prohibition therefore does not apply.
29. Applicant has met the burden under IDO § 14-16-6-6(G)(3)(c). The site plan, Exhibit A-1 photograph, staff report, agency review, and hearing testimony constitute substantial evidence establishing compliance with all applicable provisions of IDO § 14-16-5-5(F)(2)(a)3, as detailed in Findings 25 through 28.
30. Applicant has met the burden under IDO § 14-16-6-6(G)(3)(d). The site plan and Agent’s hearing testimony establish that the carport’s open design does not obstruct traffic visibility, and the City Traffic Engineer reviewed the Application and submitted no objection. Substantial evidence therefore establishes that no carport wall is a hazard to traffic visibility.
31. Applicant has met the burden under IDO § 14-16-6-6(G)(3)(e). The site plan and Agent’s hearing testimony constitute substantial evidence establishing that the proposed carport is 9 feet 6 inches tall and is not taller than the primary building on the lot.
32. The City Traffic Engineer and Historic Preservation staff submitted comments stating no objection to the Application.

DECISION:

APPROVAL of a Permit – Carport for * 019 036 BEL AIR SUB, located at 2646 Montclair Dr NE.

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.



Robert Lucero, Esq.
Zoning Hearing Examiner

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