



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

AMERCO REAL ESTATE COMPANY (CONSENSUS PLANNING, AGENT) requests a special exception to Section 14-16-2-17(A)(10)(d)(2) : a VARIANCE of 4 ft 6 in to the maximum 30 ft height to allow a proposed wall mounted sign for all or a portion of Lot 306A, Town of Atrisco Grant Unit 8 zoned SU-1 For Permissive C-2 Uses Excluding Residential Uses, located on 1801 ATRISCO DR NW (H-11)

Special Exception No:..... **16ZHE-80307**
Project No: **Project# 1011058**
Hearing Date: 01-17-17
Closing of Public Record: 01-17-17
Date of Decision: 02-01-17

On the 17TH day of January, 2017, CONSENSUS PLANNING (“Agent”) acting as agent on behalf of the property owner AMERCO REAL ESTATE COMPANY (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 4 ft 6 in to the maximum 30 ft height to allow a proposed wall mounted sign (“Application”) upon the real property located at 1801 ATRISCO DR NW (“Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 4 ft 6 in to the maximum 30 ft height to allow a proposed wall mounted sign.
2. The City of Albuquerque Zoning Code of Ordinances Section 14-16-4-2 (C)(2) (Special Exceptions – Variance) reads: “*A variance application shall be approved by the Zoning Hearing Examiner, if and only if, the Zoning Hearing Examiner finds all of the following:*
 - (a) *The application is not contrary to the public interest or injurious to the community, or to property or improvements in the vicinity;*
 - (b) *There are special circumstances applicable to the subject property which do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid;*

(c) Such special circumstances were not self-imposed and create an unnecessary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property that need not be endured to achieve the intent and purpose of the Zoning Code (§14-16-1-3) and the applicable zoning district; and
(d) Substantial justice is done.”

3. The Applicant bears the burden of ensuring there is evidence in the record supporting a finding that the above criteria are met under Section 14-16-4-2(C).
4. The ZHE finds that Application is not: (i) contrary to the public interest, (ii) injurious to the community; or (iii) injurious to the property or improvements located in the vicinity as required by Section 14-16-4-2 (C)(2)(a).
5. Specifically, the ZHE finds that after significant negotiation among the Applicant and representatives of affected neighborhoods, the parties have reached a resolution on acceptable and permissible signage. The ZHE recognizes this process as an important safeguard against any potential injurious condition, and further independently finds no injury from the proposed signage.
6. Moreover, the Applicant’s plans were reviewed by the EPC, which expressed no concern.
7. Additionally, because the signs (other than the West-facing logo) will not be illuminated, and they will be located below the top of the building, they will have minimal impact on surrounding properties and residential areas.
8. Applicant cites several relevant comprehensive plan provisions supporting the proposed signage, and furthering comprehensive plan goals helps constrain any potentially injurious condition.
9. The ZHE finds that there are special circumstances applicable to the Subject Property which do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid, as required by Section 14-16-4-2(C)(2)(b).
10. Specifically, the ZHE finds that the significant grade differential of the Subject Property, and its limited access and problematic location makes permissibly-sized signage difficult to see.
11. The ZHE finds that such special circumstances were not self-imposed and create an unnecessary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property that need not be endured to achieve the intent and purpose of the Zoning Code (§14-16-1-3) and the applicable district, as required by Section 14-16-4-2(C)(2)(c).
12. Specifically, the ZHE finds that the special circumstances are predominantly naturally-occurring (for the grade issue) and create an unnecessary hardship.
13. The ZHE finds that substantial justice will be done if this Application is approved, as required pursuant to Section 14-16-4-2 (C)(2)(d).
14. The ZHE finds that the proper “Notice of Hearing” signage was posted for the required time period as required by Section 14-16-4-2(B)(4).
15. The ZHE finds that the Applicant has authority to pursue this Application.

CONCLUSIONS OF LAW:

The criteria within Section 14-16-4-2(C)(2) of the Albuquerque Zoning Code are satisfied.

DECISION:

APPROVAL of a variance of 4 ft 6 in to the maximum 30 ft height to allow a proposed wall mounted sign.

If you wish to appeal this decision, you must do so by February 16, 2017, in the manner described below. A non-refundable filing fee will be calculated at the Planning Department's Land Development Coordination counter and is required at the time the Appeal is filed.

Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, Planning Application Counter located on the west side of the lobby. **Please present this letter of notification when filing an appeal.** When an application is withdrawn, the fee shall not be refunded.

An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of the opponents, if any are known, and the appellant.

Please note that pursuant to Section 14. 16. 4. 4. (B), of the City of Albuquerque Comprehensive Zoning Code, you must demonstrate that you have legal standing to file an appeal as defined.

You will receive notice if any other person files an appeal. If there is no appeal, you can receive building permits any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. However, the Zoning Hearing Examiner may allow issuance of building permits if the public hearing produces no objection of any kind to the approval of an application. To receive this approval, the applicant agrees in writing to return the building permit or occupation tax number.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This decision does not constitute approval of plans for a building permit.

If your application is approved, bring this decision with you when you apply for any related building permit or occupation tax number.

Approval of a conditional use or a variance application is void after one year from date of approval if the rights and privileges are granted, thereby have not been executed or utilized.



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Zoning Hearing Examiner

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AMERCO REAL ESTATE COMPANY (CONSENSUS PLANNING, AGENT) requests a special exception to Section 14-16-2-17(A)(10)(d)(1) : a VARIANCE of 14 ft to the 26 ft max height allowed for a proposed free standing sign for all or a portion of Lot 306A, Town of Atrisco Grant Unit 8 zoned SU-1 For Permissive C-2 Uses Excluding Residential Uses, located on 1801 ATRISCO DR NW (H-11)

Special Exception No:..... **16ZHE-80308**
Project No:..... **Project# 1011058**
Hearing Date:..... 01-17-17
Closing of Public Record:..... 01-17-17
Date of Decision: 02-01-17

On the 17th day of January, 2017, CONSENSUS PLANNING (“Agent”) acting as agent on behalf of the property owner AMERCO REAL ESTATE COMPANY (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 14 ft to the 26 ft max height allowed for a proposed free standing sign (“Application”) upon the real property located at 1801 ATRISCO DR NW (“Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 14 ft to the 26 ft max height allowed for a proposed free standing sign.
2. Applicant has withdrawn the request

DECISION:

NO DECISION is necessary due to Applicant’s withdrawal of request.

If you wish to appeal this decision, you must do so by February 16, 2017, in the manner described below. A non-refundable filing fee will be calculated at the Planning Department’s Land Development Coordination counter and is required at the time the Appeal is filed.

Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, Planning Application Counter located on the west side of the lobby. **Please present this**

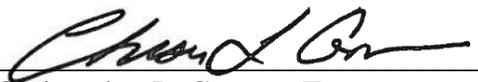
letter of notification when filing an appeal. When an application is withdrawn, the fee shall not be refunded.

An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of the opponents, if any are known, and the appellant.

Please note that pursuant to Section 14. 16. 4. 4. (B), of the City of Albuquerque Comprehensive Zoning Code, you must demonstrate that you have legal standing to file an appeal as defined.

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Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for any related building permit or occupation tax number. Approval of a conditional use or a variance application is void after one year from date of approval if the rights and privileges are granted, thereby have not been executed or utilized.



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AMERCO REAL ESTATE COMPANY (CONSENSUS PLANNING, AGENT) requests a special exception to Section 14-16-2-23(A) and pg. 113 Coors Corridor SDP : a VARIANCE of 123 sq ft to the max 75 sq ft to allow a proposed free standing sign for all or a portion of Lot 306A, Town of Atrisco Grant Unit 8 zoned SU-1 For Permissive C-2 Uses Excluding Residential Uses, located on 1801 ATRISCO DR NW (H-11)

Special Exception No:..... **16ZHE-80310**
Project No:..... **Project# 1011058**
Hearing Date: 01-17-17
Closing of Public Record: 01-17-17
Date of Decision: 02-01-17

On the 17TH day of January, 2017, CONSENSUS PLANNING (“Agent”) acting as agent on behalf of the property owner AMERCO REAL ESTATE COMPANY (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 123 sq ft to the max 75 sq ft to allow a proposed free standing sign (“Application”) upon the real property located at 1801 ATRISCO DR NW (“Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 123 sq ft to the max 75 sq ft to allow a proposed free standing sign.
2. Applicant has withdrawn the request.

DECISION:

NO DECISION is necessary due to Applicant’s withdrawal of request.

If you wish to appeal this decision, you must do so by February 16, 2017, in the manner described below. A non-refundable filing fee will be calculated at the Planning Department’s Land Development Coordination counter and is required at the time the Appeal is filed.

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letter of notification when filing an appeal. When an application is withdrawn, the fee shall not be refunded.

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