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AC-25-05

VA-2025-00133 (ZHE – Variance), MZP-2025-00021 (Appeal)

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City of Albuquerque

Planning Department

Timothy M. Keller, Mayor

Interoffice Memorandum

December 23, 2025

To: Brook Bassan, President, City Council

From: Alan Varela, Director, Planning Department *AM*

Subject: AC-25-05, VA-2025-00170: Maria Gonzales (Agent) appeals the Zoning Hearing Examiner's decision to DENY a variance of 30 inches to allow a 66-inch projecting wall sign at the property located at 3715 Silver Ave SE, zoned MX-M

OVERVIEW

On October 21, 2025, Maria Gonzales ("Agent" or "Appellant") appeared before the Zoning Hearing Examiner ("ZHE") on behalf of City on a Hill Church ("Applicants") to request a variance of 30 inches to allow a 66-inch projecting wall sign at the property located at 3715 Silver Ave SE ("subject property"), zoned MX-M. During the hearing, there were seven people objecting and no supporters.

The ZHE denied the Applicant's request in a written decision dated November 5, 2025 with Findings #1-19.

On November 20, 2025, the appellant timely filed an appeal of the ZHE's decision (VA-2025-000133) prior to the appeal deadline of November 20, 2025. As the authorized agent for the property owners as shown in the ZHE record who made an appearance of record at the ZHE hearing on this matter for the applicants, the Appellant has standing to appeal the decision.

BASIS FOR APPEAL

IDO § 14-16-6-4(U)(4) outlines the applicable criteria for the appeal in determining whether the ZHE erred in its decision:

6-4(U)(4) Criteria for Decision

6-4(U)(4)(a) The criteria for review of an appeal shall be whether the decision-making body or the prior appeal body made 1 of the following mistakes.

1. The decision-making body or the prior appeal body acted fraudulently, arbitrarily, or capriciously.

2. The decision being appealed is not supported by substantial evidence.
3. The decision-making body or the prior appeal body erred in applying the requirements of this IDO (or a plan, policy, or regulation referenced in the review and decision-making criteria for the type of decision being appealed).

6-4(U)(4)(b) An additional criterion for review of an appeal shall be if the applicant failed to comply with mailed notice requirements for property owners pursuant to § 14-16-6-4(J)(3)(c). Failure to comply with email notice requirements for a Neighborhood Association pursuant to § 14-16-6-4(J)(2) is not sufficient grounds to uphold an appeal or remand a decision for further consideration.

STAFF RESPONSE

The Appellant does not argue that the ZHE findings are in error. Rather, the reasons for the appeal, excerpted from the Appellant's letter, are listed below in quotation marks, accompanied by italicized responses from the Planner for the ZHE.

“We acknowledge the ZHE findings detailed in the Notification of Decision dated November 5, 2025. In that decision, the ZHE stated that the application did not satisfy two key criteria of IDO § 14-16-6-6(N)(3), particularly regarding special circumstances and potential harm to neighboring properties.

We believe that this revised request directly resolves the primary concerns:

- All flashing components have been removed, eliminating the issue identified by ZHE regarding the sign's intensity and changing illumination.
- The revised design uses constant-level LED illumination, which meets IDO lighting standards and avoids any nuisance impacts described by community members.
- The sign will have no movement, no animation, no pulsing, and no alternating illumination routines.”

Though much discussion was centered around the illumination and flashing proposed for the sign, it was not the request of the variance. The concern for the illumination and animation of the sign was a concern for any placement of the sign that would be seen by residential property owners, even if it was on a pole. These factors and proposed changes do not affect the applicant's failure to justify the variance of 30 inches to a projecting wall sign.

“Under IDO 14-16-6-6(N)(3), special circumstances may include historic, geographic, or functional limitations unique to the property.

Our property presents several such circumstances:

- The church occupies a non-standard corner with limited sightline exposure, which prevents a wall sign from serving its intended purpose.
- Due to the building's architectural layout, a flush-mounted wall sign is not visible from the approach direction used by most pedestrians and vehicles.

These conditions are specific to this property and do not apply broadly to other parcels in MX-M.”

The record does not reflect how the subject property would be different from other properties in the same zone and vicinity in manners such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid. Applicant's submissions indicate that the City recommended a pole-mounted sign; however, their rejection of this recommendation and pursuit of a projected wall sign appear to be self-imposed choices, which do not constitute valid hardships justifying a variance. The applicant did not provide evidence or articulate any special circumstances or extraordinary hardships that would warrant the

granting of a variance for their property.

“The ZHE previously cited neighborhood concerns related to flashing illumination. With the revised sign:

- There will be no flashing or alternating lights whatsoever.
- Illumination will be controlled within standard lumen levels consistent with typical channel-letter signage.
- The sign will not increase light spillover or glare beyond common commercial lighting present in MX-M districts.

During prior community outreach, concerns were expressed specifically regarding the flashing feature—not the sign's presence, shape, or message. The removal of all motion lighting fully resolves this.

The church is seeking:

- No additional height beyond originally requested.
- No additional width.
- No change in location.

The only modification is the removal of all flashing features, ensuring the smallest possible adjustment to satisfy the ordinance's intent while meeting the church's practical visibility needs.”

As with the original application, the Applicant's analysis focuses on direct impacts to opposing neighbors, neglecting the decision criteria for a variance. Additionally, Applicant has provided insufficient evidence to support the assertion that the sign will not adversely affect neighboring properties or infrastructure, while several community members testified factually to negative impacts that would result to them.

“As noted in the denial packet, the sign type and projection are required due to the building's structure and placement, not by preference.”

The sign type and projection are based on the choice of the Applicant to repurpose a sign from a previous location that was along a major roadway. There is additional signage on the site, and the use of this projecting sign on the historic building is a preference rather than a requirement.

CONCLUSION

In conclusion, the Appellant suggests changes to the sign to make it more neighbor friendly but offers no change in location or size. The ZHE denied the variance request to have a 66-inch projecting sign where the IDO limits the size to 36 inches, based on the failure to meet decision Criterion 1 as discussed in Finding 17, as well as the failure to meet Criterion 3 as discussed in Finding 18, for a variance in IDO § 14-16-6-6(N)(3). Full evaluation of variance criteria is found in Findings #1-19 in the Notice of Decision dated November 5, 2025.

/ Misa Bloom /

Misa Bloom, Planner

City of Albuquerque Planning Department

/ Leslie Naji /

Leslie Naji, Principal Planner

City of Albuquerque Planning Department

Signature: *Angelo Metzgar*

Email: ametzgar@cabq.gov



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

City on the Hill Church (Agent, Maria Gonzales – Zeon Signs) requests a Variance of 36 inches to the 30 inch maximum and for a 66 inch maximum for a projecting sign for Lot 15, Block 2, Mankato Place Addition, located at 3715 Silver Avenue SE, zoned MX-M [IDO Section 16-16-5-12(F)(2), Table 5-12-3]

Special Exception No: **VA-2025-00133**
Project No: **NONE**
Hearing Date: 10-21-25
Closing of Public Record:10-21-25
Date of Decision: 11-05-25

On October 21, 2025, Maria Gonzales – Zeon Signs (“**Agent**”) as agent for City on the Hill Church (“**Applicant**”) was scheduled to appear before the Zoning Hearing Examiner (the “**ZHE**”) requesting a Variance of 36 inches to the 30 inch maximum and for a 66 inches maximum for a projecting sign (“**Application**”) upon the real property located at 3715 Silver Avenue SE (the “**Subject Property**”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a Variance of 36 inches to the 30 inch maximum and for a 66 inch projecting sign, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“**IDO**”) Section 14-16-6-6(O).
2. Applicant has authority to pursue this Application, pursuant to 14-16-6-4(D).
3. Applicant has duly authorized Agent to act on Applicant’s behalf regarding the Application.
4. Applicant is not required to offer a meeting to Indian Nations, Tribes, and Pueblos, pursuant to IDO Section 14-16-6-4(B).
5. The Planning Director’s delegatee has determined that the Application is complete, pursuant to IDO Section 14-16-6-4(G).
6. The analyses and studies listed in IDO Section 14-16-6-4(H) were delivered.
7. The Application was forwarded to commenting agencies pursuant to IDO Section 14-16-6-4(I).
8. The content of the notice of the Application satisfies IDO Section 14-16-6-4(J)(1).
9. Applicant has sent an electronic mail notice to the email addresses on file with the Office of Neighborhood Coordination for each pertinent Neighborhood Association as required by IDO Section 14-16-6-4(J)(2).
10. Applicant has sent mailed notice to all property owners within 100 feet of the subject property as required by IDO Section 14-16-6-4(J)(3).
11. Applicant has posted sign notice(s) as required by IDO Section 14-16-6-4(J)(4). Applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO Section 14-16-6-4(E)(3).
12. Applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO Section 14-16-6-4(E)(4).

13. Agent appeared at the October 21, 2025, ZHE hearing on the Application and gave evidence in support of the Application.
14. The Subject Property is located in a MX-M zone district which mandates a 30-inch maximum for a projecting sign.
15. Therefore, a 66-inch maximum for a projecting sign on the Subject Property requires a Variance Approval pursuant to IDO Subsection 14-16-6-6(O).
16. IDO Section 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.”*

- 17 Based on evidence submitted by or on behalf of Applicant, it appears that there are no special circumstances applicable to the Subject Property that are not self-imposed and that 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. Applicant's submissions indicate that the City recommended a pole-mounted sign; however, their rejection of this recommendation and pursuit of a projected wall sign appear to be self-imposed choices, which do not constitute valid hardships justifying a variance. The record does not reflect how the Subject Property would be different from other properties in the same zone and vicinity in manners such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid. Evidence fails to sufficiently articulate any special circumstances or extraordinary hardships that would warrant the granting of a variance for their property.
- 18 There appears insufficient evidence to establish that the Variance will not be contrary to the public safety, health, and welfare of the community as required by Section 14-16-6-6(O)(3)(a)(2). Applicant's analysis appears to focus solely on direct impacts, neglecting broader public concerns, which form the basis of the inquiry. Additionally, Applicant has provided little to no evidence to support the assertion that the sign will not adversely affect neighboring properties or infrastructure, while several community members

testified personally and factually (not merely opinion testimony) to negative impacts that would result to them.

19 Because all prongs of the variance test must be satisfied and the Application fails to satisfy at least the two prongs discussed in the two immediately preceding paragraphs, the Application must be denied.

DECISION:

DENIAL of a Variance of 36 inches to the 30-inch maximum and for a 66-inch maximum for a projecting sign.

APPEAL:

If you wish to appeal this decision, you must do so by November 20, 2025, 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.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This Notice of Decision does not constitute approval of plans for a building permit. If your Application is approved, bring this Notice of Decision with you when you apply for any related building permit or occupation tax number. Approval of a Conditional Use is void after two (2) years from date of approval if the rights and privileges granted thereby have not been executed or utilized. Approval of a Variance is void after one (1) year from date of approval if the rights and privileges granted thereby have not been executed or utilized.



Robert Lucero, Esq.
Zoning Hearing Examiner

cc: Maria Gonzales, permittingdept@zeonsignsnm.com
Beth Roy, broy@igc.org
Shoshana Handel, shanirachel@comcast.net
Mariah Breeding, mariahbreeding@gmail.com
Robert Janov, midschoolrock@gmail.com
Michael Nutkiewicz – darcheinoam@yahoo.com
Bill Ashford – wm_ashford@yahoo.com
Ramon Mac Tire – rmactire@comcast.net
Dr. Beth Roy, PhD – roybet@gmail.com
Mariah Breeding – mariahbreeding@gmail.com
Ryan Williams – ryan@cityonthehillabq.com
ZHE File
Zoning Enforcement

DATE: November 20, 2025

Subject: Appeal decision to the Variance submittal – VA-2025-00133

TO: Office of Administrative Hearings Zoning Hearing Examiner notification of Decision

Dear Board Members,

On behalf of City on the Hill Church, we respectfully submit this revised request for a variance to allow a 66-inch projecting sign on the church building located at 3715 Silver Avenue SE. The revised application removes all flashing, alternating, or animated lighting and proposes constant, steady illumination only, in full compliance with the lighting restrictions outlined in the Integrated Development Ordinance (IDO).

Under IDO 14-16-6-6(N)(3), a variance may be approved when all five criteria are met:

1. Special circumstances peculiar to the land that do not apply to others in the same district.
2. No injury to property or improvements in the neighborhood.
3. Conditions not self-imposed.
4. Minimum variance necessary.
5. Variance consistent with the spirit, purpose, and intent of the IDO.

This package demonstrates that the revised application meets all five requirements.

1. Response to Prior Denial

We acknowledge the ZHE findings detailed in the Notification of Decision dated November 5, 2025. In that decision, the ZHE stated that the application did not satisfy two key criteria of IDO Section 14-16-6-6(N)(3), particularly regarding special circumstances and potential harm to neighboring properties.

We believe that this revised request directly resolves the primary concerns:

- All flashing components have been removed, eliminating the issue identified by ZHE regarding the sign's intensity and changing illumination.
- The revised design uses constant-level LED illumination, which meets IDO lighting standards and avoids any nuisance impacts described by community members.
- The sign will have no movement, no animation, no pulsing, and no alternating illumination routines.

2. Special Circumstances Justifying the Variance

Under IDO 14-16-6-6(N)(3), special circumstances may include historic, geographic, or functional limitations unique to the property.

Our property presents several such circumstances:

- The church occupies a non-standard corner with limited sightline exposure, which prevents a wall sign from serving its intended purpose.
- Due to the building's architectural layout, a flush-mounted wall sign is not visible from the approach direction used by most pedestrians and vehicles.

These conditions are specific to this property and do not apply broadly to other parcels in MX-M.

3. The Variance Will Not Injure Nearby Property or the Neighborhood

The ZHE previously cited neighborhood concerns related to flashing illumination.

With the revised sign:

- There will be no flashing or alternating lights whatsoever.
- Illumination will be controlled within standard lumen levels consistent with typical channel-letter signage.
- The sign will not increase light spillover or glare beyond common commercial lighting present in MX-M districts.

During prior community outreach, concerns were expressed specifically regarding the flashing feature—not the sign's presence, shape, or message. The removal of all motion lighting fully resolves this.

4. The Variance Is the Minimum Necessary to Achieve the Purpose

The church is seeking:

- No additional height beyond originally requested.
- No additional width.
- No change in location.

The only modification is the removal of all flashing features, ensuring the smallest possible adjustment to satisfy the ordinance's intent while meeting the church's practical visibility needs.

5. This Is Not a Self-Imposed Condition

As noted in the denial packet, the sign type and projection are required due to the building's structure and placement, not by preference.

6. Conclusion

City on the Hill Church has listened carefully to community feedback and the ZHE's findings. We have eliminated the single item that contributed to neighborhood concern for the flashing illumination while preserving the church's ability to safely and effectively identify its location.

We respectfully request approval of the variance with the updated, non-flashing sign design.

Thank you for your reconsideration.



Maria Gonzales
Permit Coordinator
EPNM, Inc.
2024 5th St. NW
Albuquerque, NM 87102
505-314-2122 office
505-515-8464 cell

Our Basis of Standing
is we are the Applicant



SPECIAL EXCEPTION REFERRAL SHEET

City of Albuquerque
Planning Department

Variance Conditional Use Major Permit Other

Interpreter: Yes No

PLAN # VA-2025-00133 PROJECT # PR-2025-020095

Date Accepted:	Hearing Date: <u>09/16/25</u>	
Address of Request: <u>3715 Silver Ave SE</u>		
City: <u>ABQ</u>	State:	Zip:
Lot: <u>15</u>	Block: <u>2</u>	Zone: <u>MX-M</u>
Subdivision: <u>MANKATO PLACE</u>		
UPC#		
Property Owner(s): <u>City on the Hill Church</u>		
Mailing Address:		
City:	State:	Zip:
Phone:	Email:	
Agent: <u>Maria Gonzales (Zeon Signs NM)</u>		
Mailing Address:		
City:	State:	Zip:
Phone:	Email:	
Fee Total:		

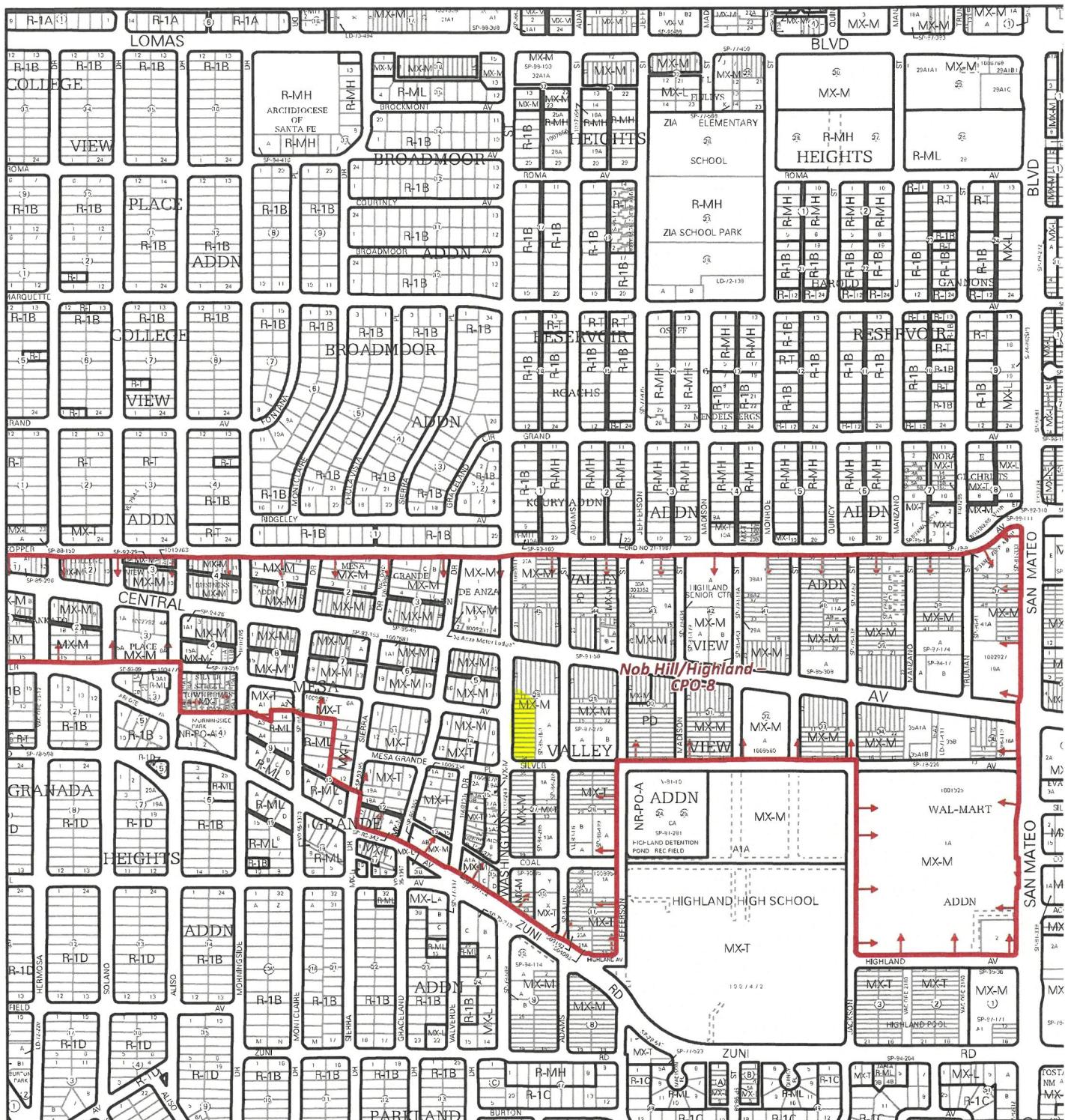
Completed Application Requirements

- o* Copy of relevant IDO section
- Letter of authorization (if applicable)
- Proof of notice to neighborhood association
- o* List of associations from Office of Neighborhood Coordination
- Proof of notice to property owners within 100ft
- Buffer map of property owners
- Photos (site and existing structures)
- Sketch plan
- Justification letter
- Sign posting and agreement
- o* Payment of fees

All application materials must be submitted through <https://www.cabq.gov/planning/abq-plan>
For more information, please visit <https://www.cabq.gov/planning/boards-commissions/zoning-hearing-examiner>



ZONING OFFICIAL USE ONLY	
Request for exception to IDO Section:	
Description of request: <u>Variance for 1 Illuminated Flag wall sign / Increase the 30 inch facade an additional 36 inch for the total of 66 inch</u>	
Staff Comments:	



For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

IDO Zone Atlas May 2018



Zone Atlas Page:
K-17-Z

- Easement
- Escarpment
- Petroglyph National Monument
- Areas Outside of City Limits
- Airport Protection Overlay (APO) Zone

CITY — ON A — HILL

June 26, 2025

Attention: City of Albuquerque Planning Department,

We hired Zeon Signs to refurbish and install a sign that was previously located at our prior church building on San Mateo Blvd. When Zeon applied for the permit, the City informed them that the sign would need to be mounted from a freestanding pole instead of attached to the side of the building like it was at our previous location.

This letter authorizes Zeon Signs to serve as our agent in submitting a permit variance on our behalf.

Sincerely,



Pastor Dan Miller
City On a Hill Church
Albuquerque, NM 87108

From: permittingdept@zeonsignsnm.com
To: P.Davis.Willson@gmail.com; mryankious@gmail.com; meyster1@me.com; vgweirs@gmail.com; jplate@molzencorbin.com; pmbdoc@nobhill-nm.com; theboard@nobhill-nm.com; sehna.membership@gmail.com; sehna.membership@gmail.com; Hernandez, Diane
Subject: 3715 Silver Ave SE - City on the Hill Church
Date: Wednesday, July 30, 2025 2:27:50 PM
Attachments: [image001.png](#)
[City on the Hill variance signage plans.pdf](#)
[City on the Hill Variance Eng for Flag sign.pdf](#)
[City on the Hill Variance application.pdf](#)

This Message Is From an External Sender

This message came from outside your organization.

[Report Suspicious](#)

Good morning,
Our company is seeking a variance to install 1 double face Flag mounting sign Illuminated for The City on the Hill Church located at 3715 Silver Ave SE, Albuquerque, NM 87108. The Variance is to request the 30 inch from the façade to allow another 36 inch to the façade to total 66 inch for the requested Flag mounting sign.

I have attached the required documents for your review.

5-12(F)(2) Projecting, Maximum

30 Inc. From the Façade / In the DT area and North 4th Corridor – CPO-9, if the lower edge of sign is .12ft. above sidewalk:

50% of the distance over any abutting sidewalk

75% of the distance over any abutting sidewalk on Central Ave between 1st and 8th streets



Maria Gonzales
Permit Coordinator
EPNM, Inc.
2024 5th St. NW
Albuquerque, NM 87102
505-314-2122 office
505-515-8464 cell



PART I - PROCESS

Use [Table 6-1-1](#) in the Integrated Development Ordinance (IDO) to answer the following:

Application Type: (1) double face Flg mounting sign - I/uminated

Decision-making Body: Zone Hearing Examiner

Pre-Application meeting required: Yes No

Neighborhood meeting required: Yes No

Mailed Notice required: Yes No

Electronic Mail required: Yes No

Is this a Site Plan Application: Yes No **Note:** if yes, see second page

PART II – DETAILS OF REQUEST

Address of property listed in application: 3715 Silver Ave SE

Name of property owner: City on the Hill Church

Name of applicant:

Date, time, and place of public meeting or hearing, if applicable: 8-19-25 @ 9am

Zoom on [Month, Day] starting at 9am

Address, phone number, or website for additional information:

PART III - ATTACHMENTS REQUIRED WITH THIS NOTICE

- Zone Atlas page indicating subject property.
- Drawings, elevations, or other illustrations of this request.
- Summary of pre-submittal neighborhood meeting, if applicable.
- Summary of request, including explanations of deviations, variances, or waivers.

IMPORTANT:

PUBLIC NOTICE MUST BE MADE IN A TIMELY MANNER PURSUANT TO [IDO §14-16-6-4\(K\)](#).

PROOF OF NOTICE WITH ALL REQUIRED ATTACHMENTS MUST BE PRESENTED UPON APPLICATION.

I certify that the information I have included here and sent in the required notice was complete, true, and accurate to the extent of my knowledge.

(Applicant signature)

7/18/25

(Date)

Note: Providing incomplete information may require re-sending public notice. Providing false or misleading information is a violation of the IDO pursuant to IDO §14-16-6-9(B)(3) and may lead to a denial of your application.

CITY OF ALBUQUERQUE, PLANNING DEPARTMENT, 600 2ND ST. NW, ALBUQUERQUE, NM 87102 505.924.3860

www.cabq.gov

Printed 6/5/2024



PART IV – ATTACHMENTS REQUIRED FOR SITE PLAN & LC APPLICATIONS ONLY

Provide a site plan that shows, at a minimum, the following:

- a. Location of proposed buildings and landscape areas.
- b. Access and circulation for vehicles and pedestrians.
- c. Maximum height of any proposed structures, with building elevations.
- d. For residential development: Maximum number of proposed dwelling units.
- e. For non-residential development:
 - Total gross floor area of proposed project.
 - Gross floor area for each proposed use.

[Note: Items with an asterisk (*) are required.]

Public Notice of a Hearing before the Zoning Hearing Examiner in the City of Albuquerque

Date of Notice*: _____

This notice of an application for a proposed project is provided as required by the Integrated Development Ordinance (IDO) **§14-16-6-4(K) Public Notice**. This notice is being provided to (mark as relevant):

Neighborhood Association Representatives on the attached list from the Office of Neighborhood Coordination.¹
 Property Owners within 100 feet of the Subject Property.

Project Information Required by IDO §14-16-6-4(K)(1)(a)

1. Subject Property Address* 3715 Silver Ave SE ABQ, NM 87108 (zipcode)

Location Description

2. Property Owner* City on the Hill Church

3. Agent/Contractor (if other than the property owner) Patricia Gonzales / EPNM Inc

4. Application Type(s)²* per IDO Table 6-1-1:

Conditional Use

Carport Permit

Variance

Major Wall/Fence Permit

Other Special Exception

Summary of project/request*:

IDO-Section 5-12 (F)(2) = Projection maximum
we are requesting 66 inches to the allowable
30 inches from the fence

5. This application will be decided by the Zoning Hearing Examiner at a public hearing.

Hearing Date*: Sept 16, 2025 (Tuesday)

The hearing will begin at 9:00AM via ZOOM.

For Zoom details and the agenda, please visit the CABQ Planning Webpage:

<https://www.cabq.gov/planning/boards-commissions/zoning-hearing-examiner/zhe-agendas-action-sheets-decisions>

To contact staff, email PlanningZHE@cabq.gov or call the Planning Department at 505-924-3860 and select the option for "Boards, Commissions, and ZHE signs."

Please note: You may submit written comments to the Zoning Hearing Examiner up to 6 days before the hearing. (Deadline is 5 pm on the Wednesday before the hearing.)

¹ If this box is marked, the Neighborhood Association Representative Contact List from the City's Office of Neighborhood Coordination must be included as an attachment.

² Other application types require separate forms available here: <https://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance-1/public-notice>. Otherwise, please mark all that apply.

[Note: Items with an asterisk (*) are required.]

6. Where more information about the project can be found*:

Applicant name: EPNM, Inc / Zeon Signs

Email: permittingsdept@zeonsignsnm.com Phone: 505-314-2122

Online website or project page: City on the Hill Church

Attachments:

- Neighborhood Association Representative Contact List from the City's Office of Neighborhood Coordination³*
- Others: _____

Project Information Required for Mail/Email Notice by IDO §14-16-6-4(K)(1)(b):

1. Zone Atlas Page(s)⁴ K-17

2. Project Illustrations, as relevant⁵

- Architectural drawings
- Elevations of the proposed building(s)
- Other illustrations of the proposed application

See attachments or the website/project page noted above for the items marked above.

3. The following exceptions to IDO standards have been requested for this project*:

Deviation(s) Variance(s) Waiver(s)

Explanation*: IDO 5-12 (F)(2) - Projection Maximum 30 in from the facade to increase additional 36 inches to allow total 66 in.

4. A Pre-submittal Neighborhood Meeting was required by Table 6-1-1: Yes No

Summary of the Pre-submittal Neighborhood Meeting, if one occurred:

[Note: The meeting report is required to be provided in the application materials.]

NOTE: Pursuant to IDO §14-16-6-4(L), property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting. If requested at least 15 calendar days before the public meeting/hearing date noted above, the facilitated meeting will be required. To request a facilitated meeting regarding this project, contact the Planning Department at devhelp@cabq.gov or 505-924-3860 and select option for "Boards, Commissions, and ZHE Signs."

Useful Links

Integrated Development Ordinance (IDO): <https://ido.abc-zone.com>

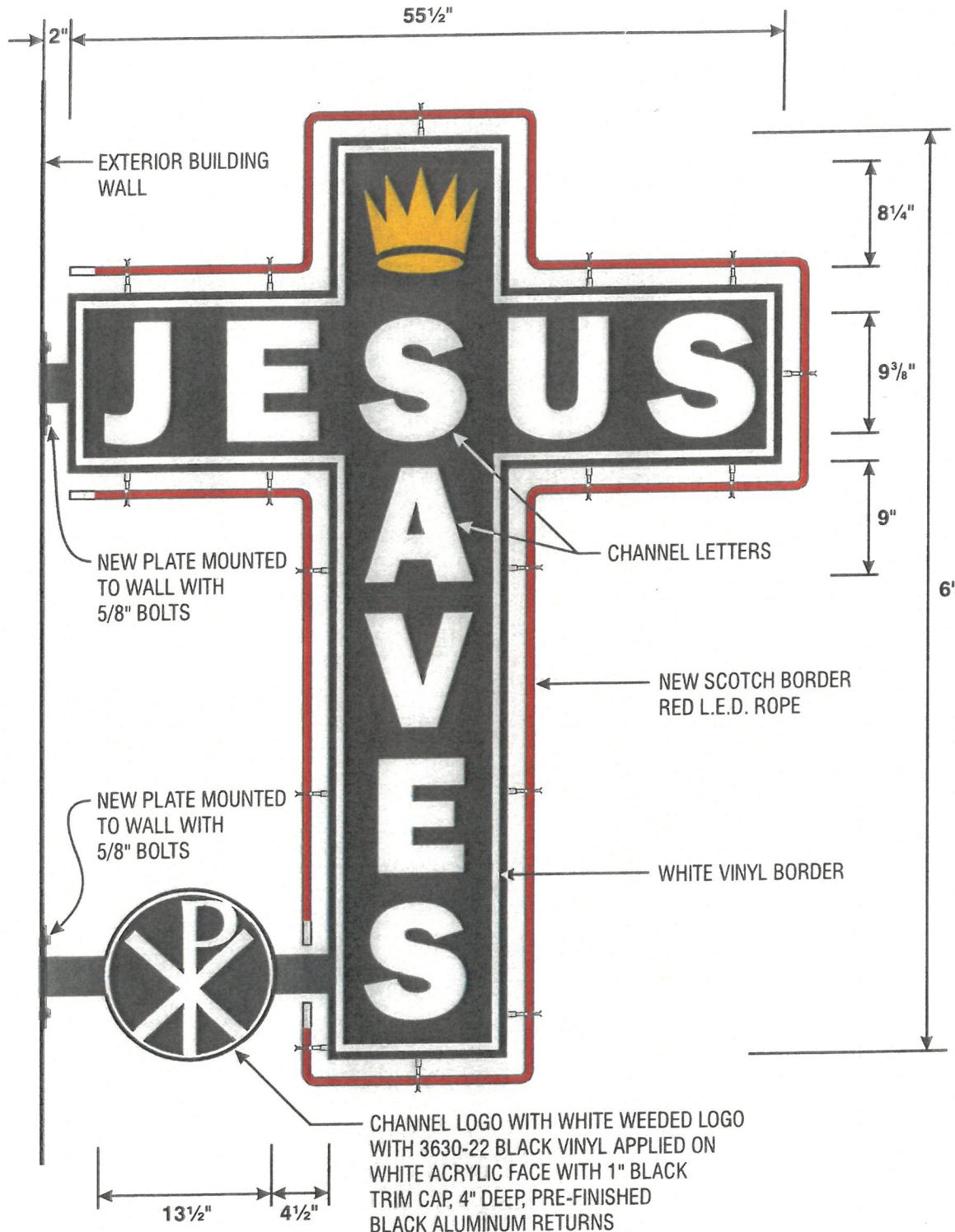
IDO Interactive Map: <https://tinyurl.com/idozoningmap>

³ Must be attached if this notice is to Neighborhood Association Representatives.

⁴ Available online here: <http://data.cabq.gov/business/zoneatlas>

⁵ While not required, it is recommended that a site plan be included showing the location of existing buildings, if any, and the proposed project.

Permit

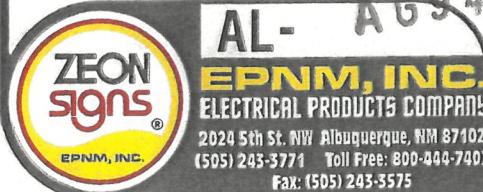


DOUBLE FACE FLAG MOUNTED BUILDING DISPLAY

EXISTING METAL CROSS SHAPED CABINET REPAINTED BLACK
WITH NEW ILLUMINATED CHANNEL LETTERS AND LOGO

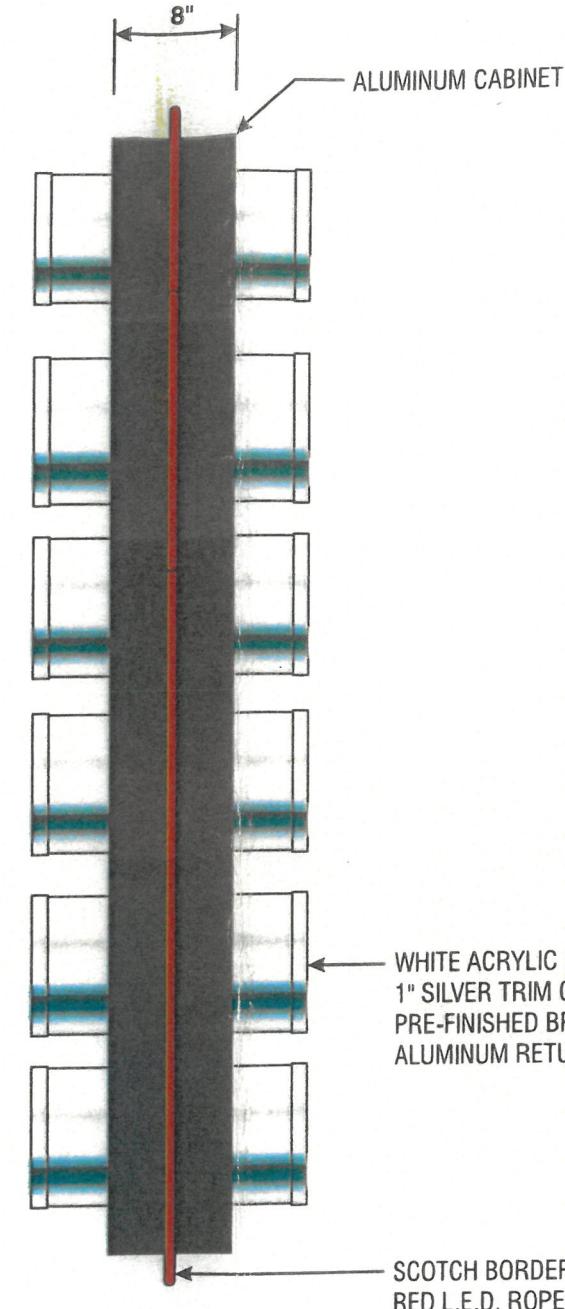
AL- A6946

THIS DESIGN IS THE EXCLUSIVE PROPERTY OF EPNM, INC. AND CANNOT BE REPRODUCED EITHER IN WHOLE OR IN PART WITHOUT THEIR WRITTEN CONSENT.

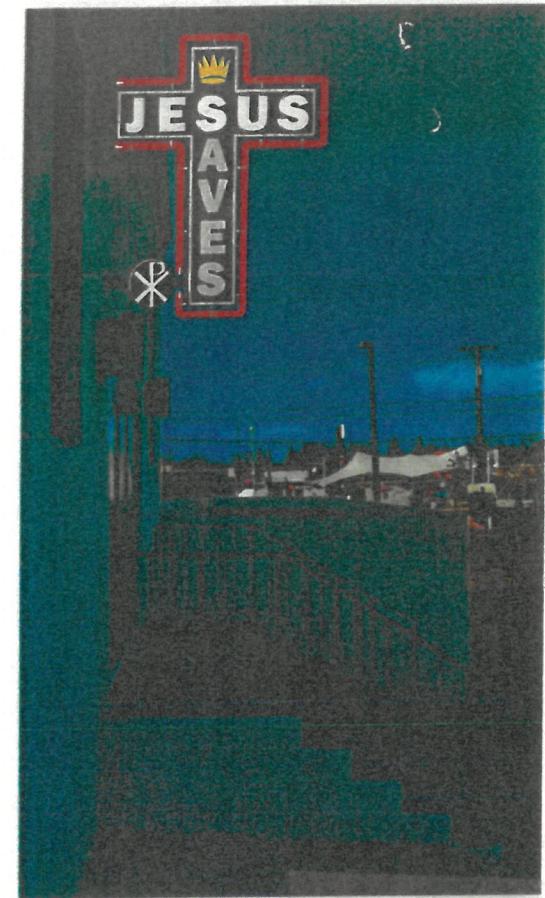


PIPE SIZES(S) AND/OR SPLICES MAY CHANGE THE
ARTIST CONCEPT DEPENDING ON ENGINEERING
CALCULATIONS FOR FINAL INSTALLATION.

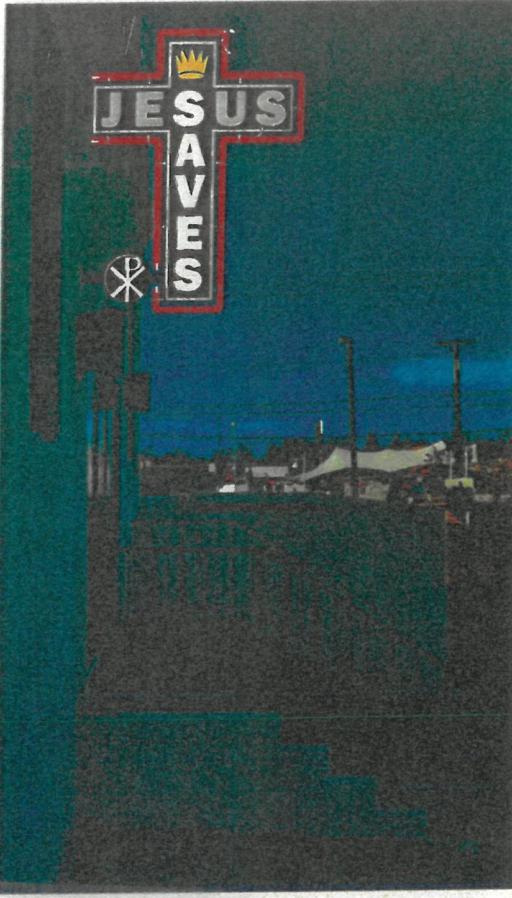
ACTUAL SIZE OF SIGN AND COPY FROM SCALED DRAWING MAY VARY 1±
COLOR ON THIS PRESENTATION DOES NOT REPRESENT
THE EXACT MATERIAL COLOR SPECIFIED. SEE CHART(S)
FOR EXACT APPEARANCE OF COLORS SPECIFIED.



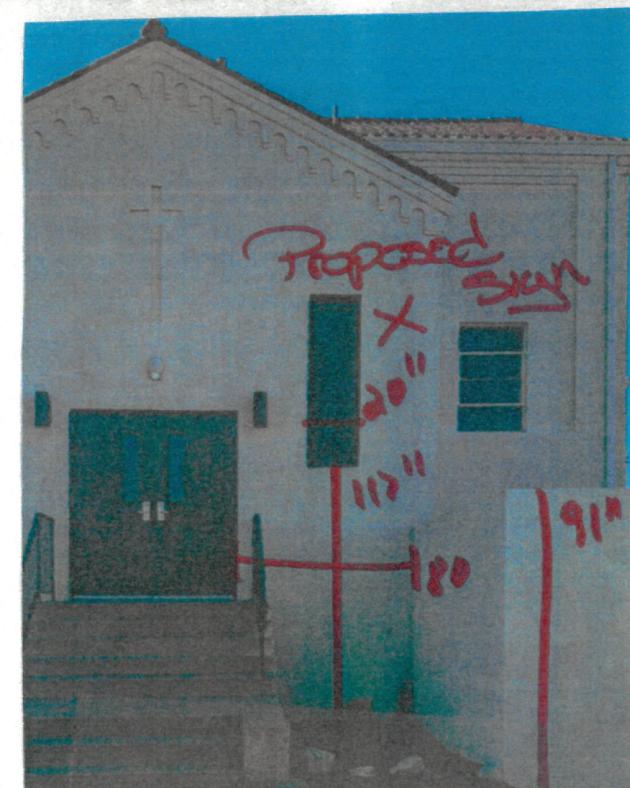
END VIEW



"JESUS" FLASHES ON AND "SAVES" IS OFF.



"JESUS" IS OFF AND "SAVES" FLASHES ON.



TITLE: CITY ON THE HILL CHURCH

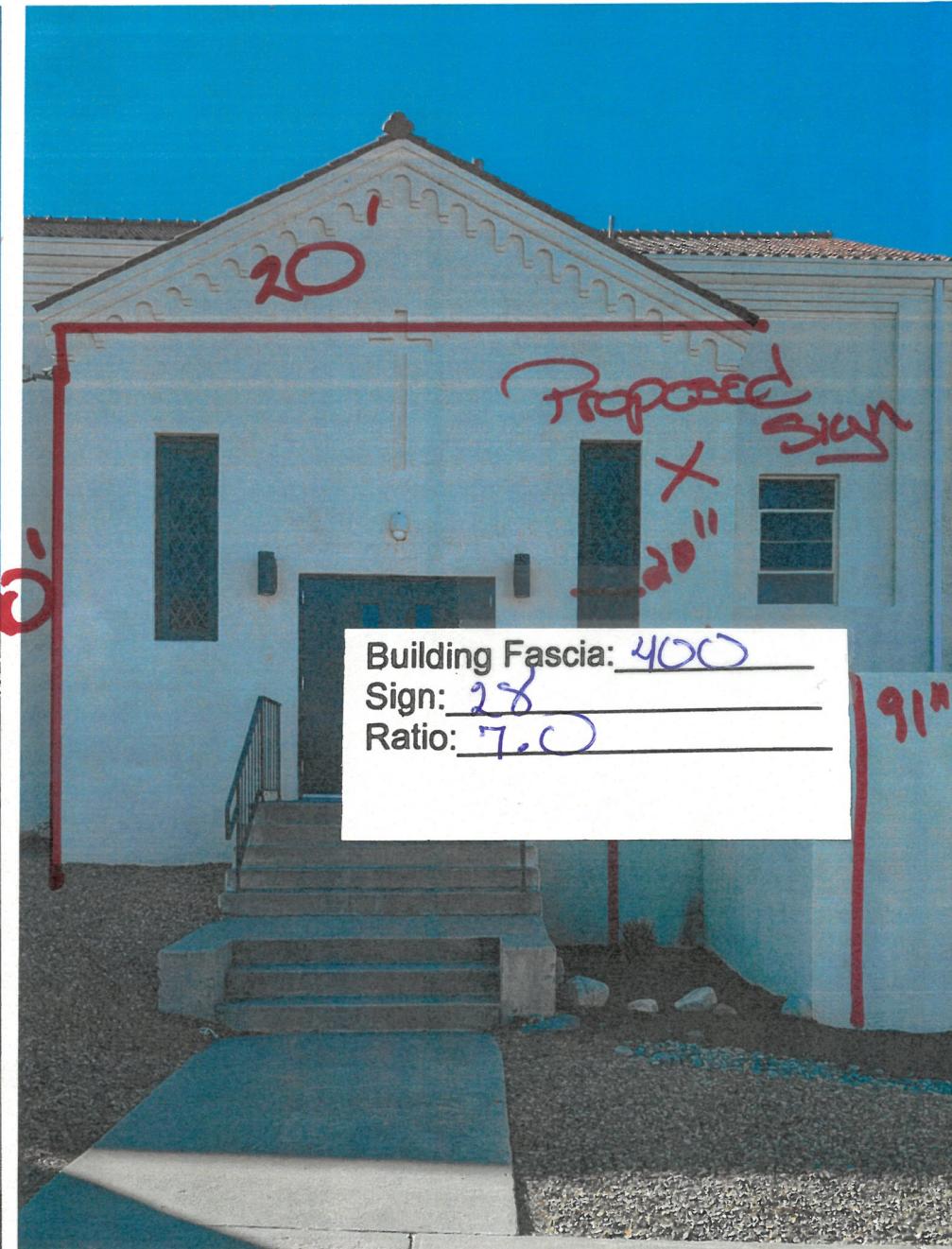
SCALE: 1" = 1' - 0" DRWG NO: 125 - 017 APPROVED FOR PRODUCTION:

SALES: TERRY TOPINO CUSTOMER APPROVAL:

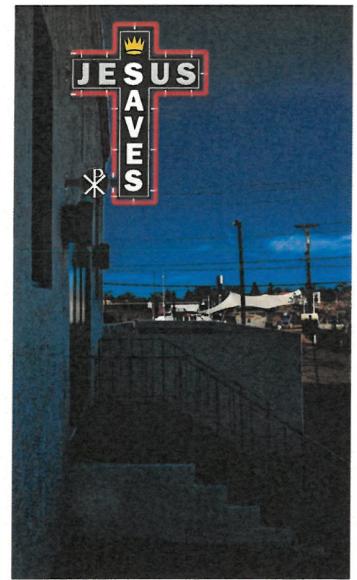
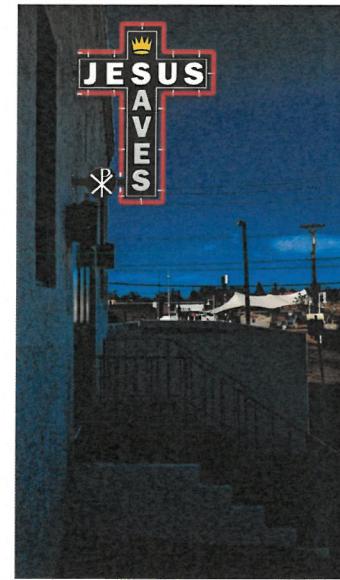
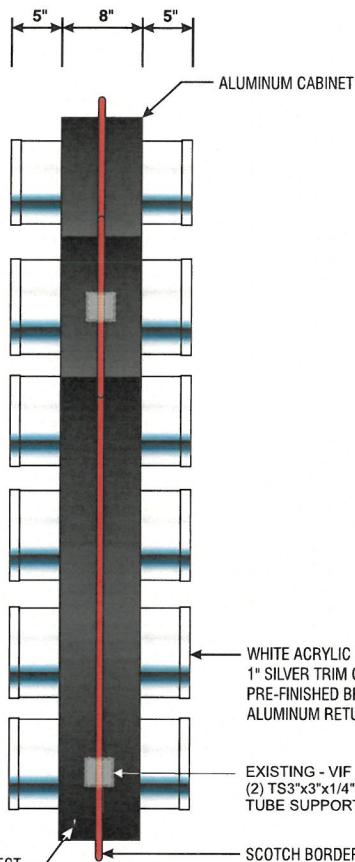
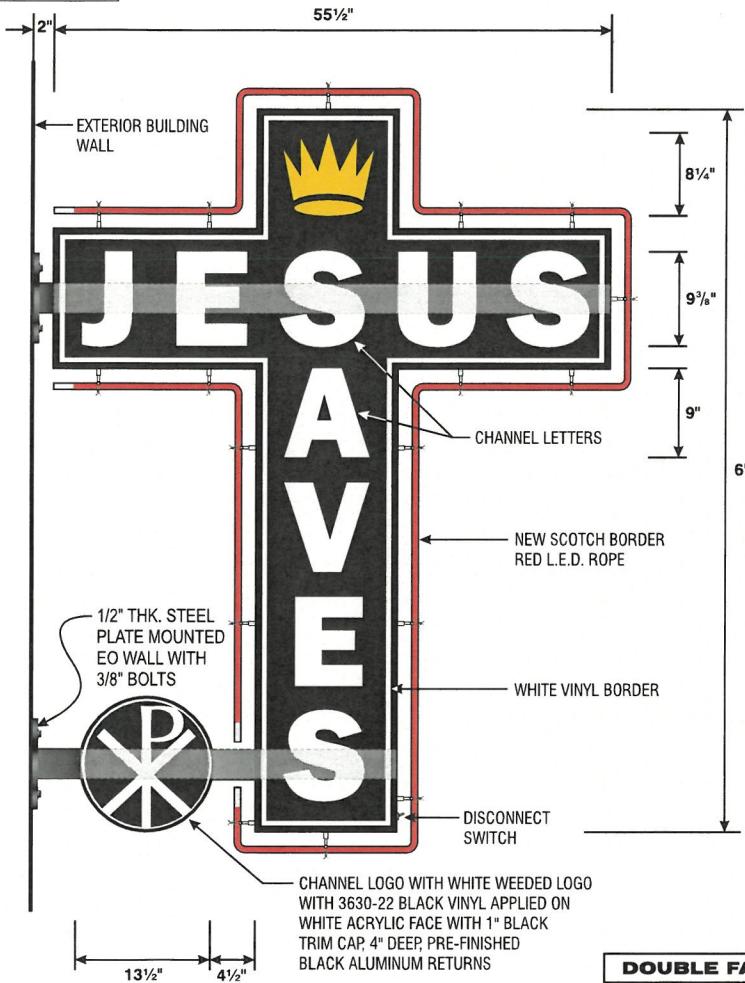
DESIGN BY: R. GONZALES

1-23-25	1-28-25
REVISED	





ME #: 70340



OPPOSITE FACE



Ph: (281) 813-7439
Email: sean@signstructures.com
Web: www.signstructures.com

CITY ON THE HILL CHURCH
Address: 3715 SILVER AVE SE
City/State: ALBUQUERQUE, NM
Client: EPNM INC / ZEON SIGNS

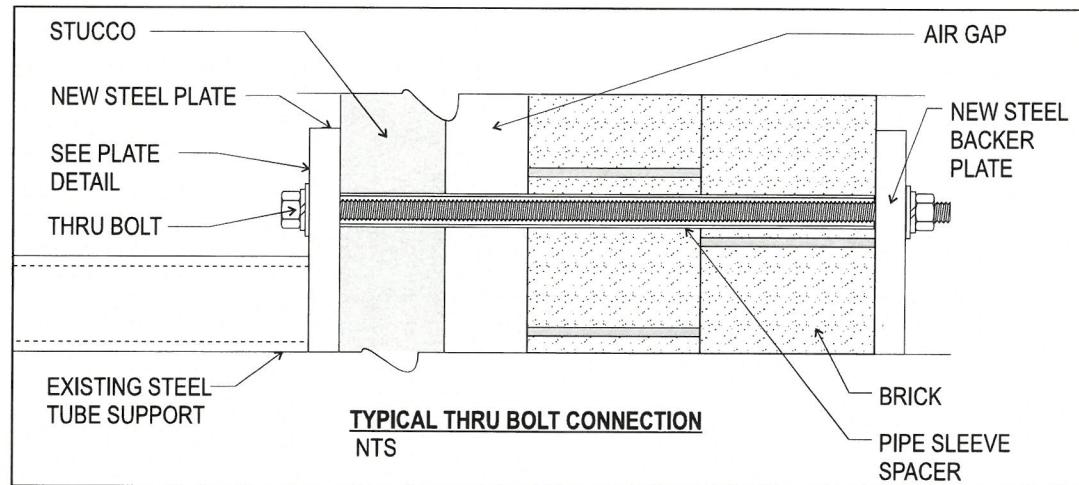
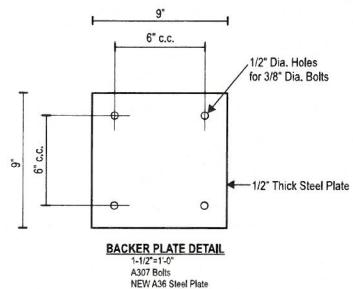
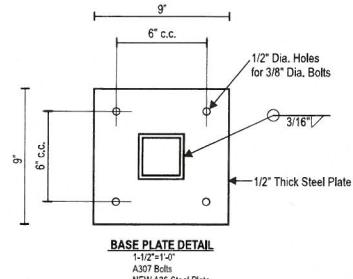
ENGINEERING OF
ATTACHMENT TO WALL ONLY.
NO CABINET ENGINEERING
OR EVALUATION OF AS
BUILT WALL CONDITIONS
PROVIDED OR IMPLIED.

Initial Drawing: (70340) DS



The electronic seal appearing on this document was authorized by Sean M. McFarland, PE on March 17, 2025.
Date: 3-17-2025
Sheet #: 1 OF 2
NC Firm Registration: F-1136
New Mexico License Number: 16540
New Mexico Expiration Date: 12/31/2026

ME #: 70340



CITY ON THE HILL CHURCH
Address: 3715 SILVER AVE SE
City/State: ALBUQUERQUE, NM
Client: EPNM INC / ZEON SIGNS

ENGINEERING OF
ATTACHMENT TO WALL ONLY.
NO CABINET ENGINEERING
OR EVALUATION OF AS
BUILT WALL CONDITIONS
PROVIDED OR IMPLIED.

Initial Drawing: (70340) DS



The electronic seal appearing on this document was authorized by Sean M. McFarland, PE on March 17, 2025.
Date: 3-17-2025
Sheet #: 2 OF 2
NC Firm Registration: F-1136 New Mexico License Number: 16540 New Mexico Expiration Date: 12/31/2026

Date:	3/17/25	City, State:	Albuquerque, NM	SHEET: 1 OF 2
Client:	EPNM Inc / Zeon Signs	Overall Height:	15'-0" Max.	Sean M. McFarland, P.E.
Sign:	City On The Hill Church	Wind Speed	105 mph	McFarland Engineering

Project Description		3715 Silver Ave SE	Table of Contents	
ME Job:	70340		Content:	Page
		HORIZONTAL TUBE AT (2) PLACES	Design Loads.....	1
		BASE PLATE DESIGN	Connection Design.....	1-2
Overall Size:	6'-0" x 54"	ULTIMATE LOADS		
Mounting Height:	15'-0" Max.			
Mounting Style:	Cantilevered Wall Sign			
Structural Variables and Code Loading Specifications				
Sign Type:	Cantilevered Wall Sign	Code:	2021 IBC / 2021 NMCBC	▼
Existing Wall Material:	Other	Wind Speed:	105	▼
Sign Weight Per Foot:	15	Wind Exposure:	C	▼
Wind Loads Per ASCE 7-16				

Connection Design

Using ASCE 7-16 (Simplified Procedure)

Topography:	Homogeneous	I =	1.15 (Table 6-1)
Exposure:	C	lambda =	1.21 (Figure 6-3, Exp. C, height = 15 ft)
Enclosure:	Enclosed		
Structure:	Components and Cladding	Zone =	5 (End-Wall - Worst Case)
Building:	Category II	Effective Wind Area :	10 Sq. Ft.
		Net Wind Pressure =	-19.5 (Figure 6-3)
Total Load	Pnet = (lambda)*I*Pnet		
	Pnet (15) = -27.13	PSF	

Sign Loads	Area	Pressure (Suction)	Force	Dead Load
Total Projected Area	12.66 FT^2	-27.13 PSF	-343 LBF	190 LBF

Horizontal Supports (2)

Moment Arm - 2.48 FT

Total Moment - 851 LB FT (WL)

Sxx Req'd - 0.21 in^3 (Top Support (65% of Total Load Approx)

Sxx Provided - 1.97 in^3 (OK) (USE: (2) Existing TS3x3x1/4" Steel Square Tubes, 46 KSI)



Date:	3/17/25	City, State:	Albuquerque, NM	SHEET: 2 OF 2
Client:	EPNM Inc / Zeon Signs	Overall Height:	15'-0" Max.	Sean M. McFarland, P.E.
Sign:	City On The Hill Church	Wind Speed	105 mph	McFarland Engineering

3715 Silver Ave SE

ME Job: 70340

Baseplate Design - New

D = 3.00 IN	A36 Steel	Fy= 36ksi
e = 1.50 IN	E70 Electrodes	Fw= 928 #/in/16th
b = 3.00 IN	A307 A.B.'s	Ft=20 ksi
d = 3.00 IN	# of Bolts = 4	Dia. Bolt 0.375
Baseplate t = 0.50 IN	Column Mom = 554 #-FT	

$$P \text{ Bolt} = \frac{M * 12 \text{ (in/ft)}}{2 \text{ bolts} (D + e + t)} \quad 664 \# < 2,600 \#$$

$$t \text{ req'd} = \frac{[(6*P*e*2 \text{ bolts})/(.75 * Fy (D+2*t))] ^{1/2}}{.333 \text{ IN} < 0.50 \text{ IN}}$$

$$Weld = \frac{M * 12 \text{ (in/ft)}}{Fw (b*d + D^2/3)} \quad 0.60 \text{ 16th's} < 3.00 \text{ 16th's}$$

USE: (4) 3/8" Dia. Thru Bolts w/ Backer Plates w/ 1/2" Baseplate. Weld to Support with (1) 3/16" Fillet Weld. Backer Plates Needs to be As Same Size as Baseplate.

VARIANCE JUSTIFICATION LETTER GUIDELINES - GENERAL

The Integrated Development Ordinance outlines policies and requirements for deciding requests for variances to dimensional standards.

The burden is on the applicant to show why a change should be made, not on the City to show why the change should not be made.

To justify your request and aid our review, please provide a detailed response to items 1-5 below.

A sample letter is provided.

6-6(N)(3) Review and Decision Criteria

Except as indicated in Subsections (b) and (c) below, an application for a Variance – ZHE shall be approved if it meets all of the following criteria:

- 1) There are special circumstances applicable to the subject property 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, and physical characteristics, and such special circumstances were created either by natural forces or by government eminent domain actions for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or 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 or the applicable zone district.
- 5) The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.

-SEE SAMPLE LETTER-

VARIANCE JUSTIFICATION - GENERAL

Zoning Hearing Examiner
City of Albuquerque
600 2nd Street NW, 3rd Floor
Albuquerque, NM 87102

RE: Request for Variance of special exception Request to increase the allowable 30 inches of the facade adding 3 inches to at 3715 Silver Ave SE (address of the subject property). total 33 inches

1) There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone district and vicinity. Those special circumstances create a hardship because _____.

2) The Variance will not be materially contrary to the public safety, health, or welfare because _____.

3) The Variance does not cause adverse impacts on surrounding properties or infrastructure improvements in the vicinity because _____.

4) The Variance will not materially undermine the intent and purpose of this IDO or the applicable zone district because _____.

5) The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties because _____.

*Please see the attach Document
for the Reply's*
Signature John J. Morales Date 7/30/25

**Variance Justification-General form responses from Dan Miller (pastor at City On A Hill
Church 3715 Silver Ave SE)**

RE: Maria, please change the language in this section so that it is crystal clear that we are increasing the distance of the outer edge of the sign to 66" total inches from the building. The way that it is currently written, might be misunderstood as only requesting an additional 6" of variance.

1. Mounting the sign to a pole as suggested by the city increases safety and security risks because it is highly likely that someone will climb the pole to either break in a nearby window or use the sign pole to scale the garbage dumpster enclosure wall.
2. Mounting the sign to the wall will remove safety and security risks due to its mounting location that is not accessible from the ground.
3. Wall mounting the sign is advantageous to both neighbors, nearby business, as well as our church because it will be safer and more aesthetically pleasing.
4. It is simply extending the sign several addition feet from the wall rather than having the sign free standing on a pole that is less attractive and a neighborhood safety issue.
5. Mounting the sign to the building exterior wall greatly improves safety/security and keeps the sign as least obtrusive as possible for neighborhood sight lines. Mounting the sign on a pole would also increase costs by thousands of dollars and create unwanted safety and aesthetic issues.

CITY — ON A — HILL

June 4, 2025

Attention: City of Albuquerque Planning Department,

We hired Zeon Signs to install a sign that was previously located at our prior church building on San Mateo Blvd. When Zeon applied for the permit, the City informed Zeon that the sign would need to be mounted from a freestanding pole instead of attached to the side of the building like it was at our previous location. This change was due to the fact that the sign exceeds the allowed protrusion distance from the side of the building by only 2 feet.

Mounting the sign from a freestanding pole is not a good option for multiple reasons:

1. Using a pole would allow people to climb the pole and gain access to our main building via a window as well as a garbage dumpster encloser. It is worth noting that the City of Albuquerque required us to build that garbage dumpster enclosure at a cost of over \$25,000 when remodeling the building.
2. Due to it's proximity to the building, mounting the sign on a pole would significantly increase the risk of vandalism as well as break ins given the rough part of town where our church is located.
3. The sign was designed to be mounted from the side of the building and was previously used that way for years. The cost to reconfigure the sign would be prohibitive.
4. The aesthetic look of the sign will be much more appealing if mounted to the side of the building than if it were mounted on a pole.

We are respectfully asking that a simple permit variance be granted allowing the sign to be mounted to the side of our building.



Pastor Dan Miller

City On A Hill Church

3715 Silver Ave SE Albuquerque, NM 87108

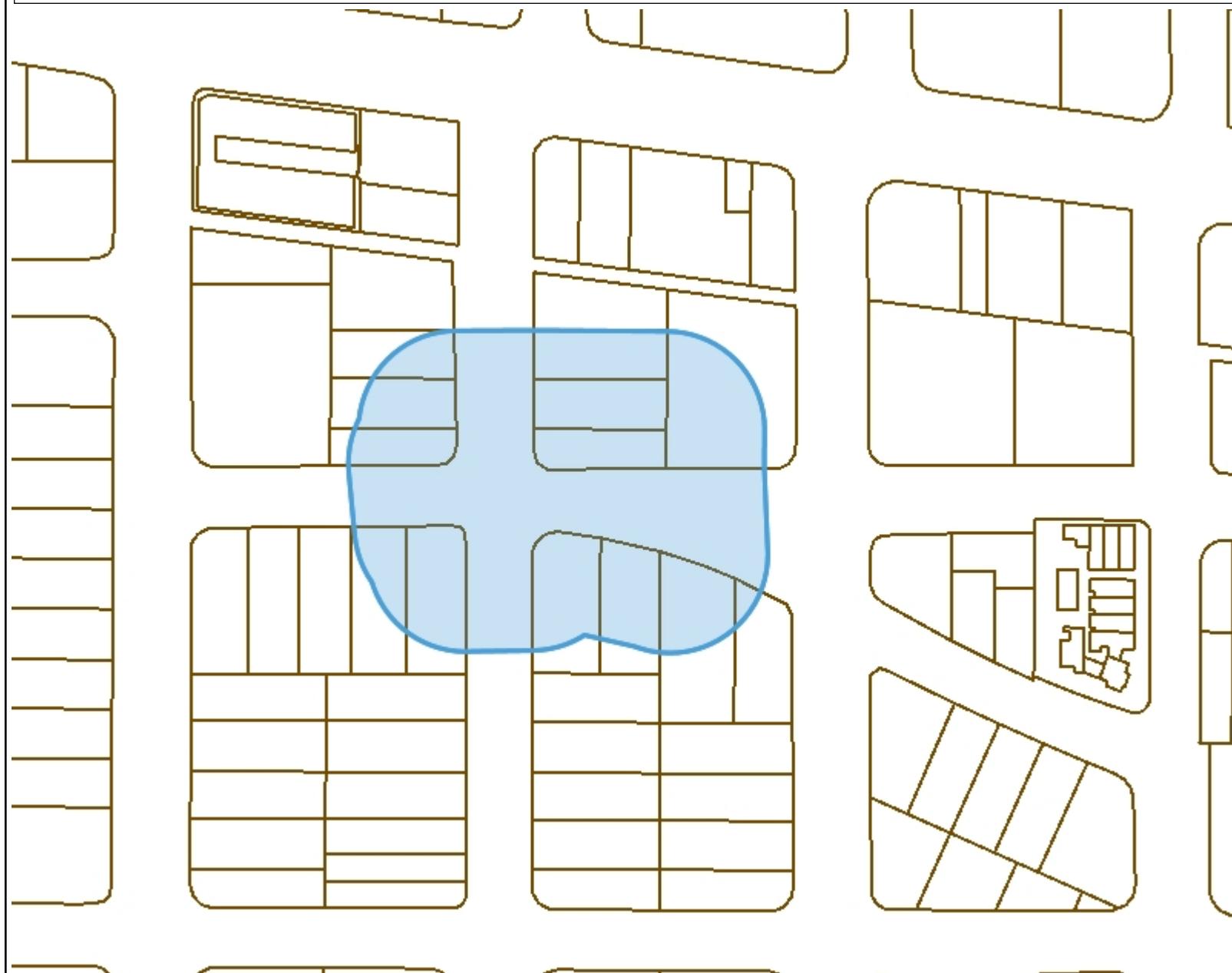


3715 Silver Ave SE



Legend

Bernalillo County Parcels



300

0

150

300 Feet

Notes

Buffer: 100 Ft.
ROW: Arlote Ave SE; Hermosa Dr SE;
Silver Ave SE

BROWN LARRY ROBERT
3712 SILVER AVE SE
ALBUQUERQUE NM 87108-2665

CARTER MATTHEW
3710 SILVER AVE SE
ALBUQUERQUE NM 87108-2665

CITY ON A HILL CHURCH
3715 SILVER AVE SE
ALBUQUERQUE NM 87108-2638

GARCIA RAFAEL M
PO BOX 4612
ALBUQUERQUE NM 87196-4612

GONZALES MANNY & RACHEL K
200 HERMOSA DR SE
ALBUQUERQUE NM 87108-2612

IMMANUEL U PRESBYTERIAN CH
114 CARLISLE BLVD SE
ALBUQUERQUE NM 87106

LYNDE ANDREW & SHANA
3716 ARLOTE AVE SE
ALBUQUERQUE NM 87108-2660

MARTINEZ STEVEN
7004 RED HAWK RD NE
ALBUQUERQUE NM 87113

ELECTRICAL PRODUCTS CO.
EPNM, INC.
P.O. BOX 6465
2024 FIFTH ST. NW
ALBUQUERQUE, NEW MEXICO 87197



Brown Larry Robert
3712 Silver Ave SE
ABQ, NM 87108-2165

ELECTRICAL PRODUCTS CO.
EPNM, INC.
P.O. BOX 6465
2024 FIFTH ST. NW
ALBUQUERQUE, NEW MEXICO 87197



Andrew + Shana Lynde
3716 Ardote Ave SE
ABQ NM 87108-2160

ELECTRICAL PRODUCTS CO.
EPNM, INC.
P.O. BOX 6465
2024 FIFTH ST. NW
ALBUQUERQUE, NEW MEXICO 87197



Rafael M. Garcia
P.O. Box 4612
ABQ NM 87196-4612

ELECTRICAL PRODUCTS CO.
EPNM, INC.
P.O. BOX 6465
2024 FIFTH ST. NW
ALBUQUERQUE, NEW MEXICO 87197



Steven M. Martinez
7004 Red Hawk Rd. NE
ABQ NM 87113

ELECTRICAL PRODUCTS CO.
EPHM, INC.
P.O. BOX 6465
2024 FIFTH ST. NW
ALBUQUERQUE, NEW MEXICO 87107

Mr. & Mrs. Rachel K. Gonzales
200 Hermosa Dr. SE
ABQ NM 87108-2412

ELECTRICAL PRODUCTS CO.
EPNM, INC.
P.O. BOX 6465
2024 FIFTH ST. NW
ALBUQUERQUE, NEW MEXICO 87107

City on a Hill Church
39115 Silver Ave SE
ABQ NM 87102-2138

ELECTRICAL PRODUCTS CO.
EPNM, INC.
P.O. BOX 8465
2324 FIFTH ST. NW
ALBUQUERQUE, NEW MEXICO 87197

Matthew Carter
3710 Silver Ave SE
ABQ, NM 87108-2165

ELECTRICAL PRODUCTS CO.
EPHM, INC.
P.O. BOX 6455
2024 FIFTH ST. NW
ALBUQUERQUE, NEW MEXICO 87107

Immanuel U. Presbyterian
114 Carlisle Blvd. SE church
ABQ. NM 87104

034

SIGN POSTING AGREEMENT – Zoning Hearing Examiner

All persons requesting a hearing before the Zoning Hearing Examiner are responsible for the posting and maintaining of one or more signs on the property.

Failure to maintain the signs during this entire period may be cause for deferral or denial of the application.

Per Integrated Development Ordinance 14-16-6-4(K)(4): **The applicant shall post at least 1 sign on each street abutting the property that is the subject of the application, at a point clearly visible from that street, for at least 15 calendar days before the public hearing and for the appeal period of 15 calendar days following any decision, required pursuant to Subsection 14-16-6-4(V)(3)(a)1.**

1. LOCATION

- A. The sign shall be conspicuously located within twenty feet of the public sidewalk (or edge of public street).
- B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be at least two feet from the ground.
- C. No barrier shall prevent a person from coming within five feet of the sign to read it.

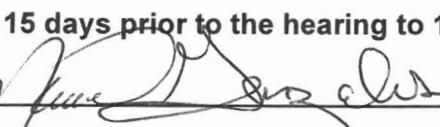
2. NUMBER

- A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
- B. If the land does not abut a public street, then, in addition to a sign placed on the property, a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

3. PHYSICAL POSTING

- A. A heavy stake with two crossbars or a full plywood backing works best to keep the sign in place, especially during high winds.
- B. Large headed nails or staples help prevent tearing and are best for attaching signs to a post or backing.

Signs must be posted from 15 days prior to the hearing to 15 days after the hearing.

Applicant/Agent Signature  date 7/30/25

Sign(s) were issued for the property located at 3715 Silver Ave SE

**INVOICE (INV-00040237)
FOR CITY OF ALBUQUERQUE**

BILLING CONTACT

Maria Gonzales
EPNM Inc. / Zeon Signs
PO BOX P.O. Box 6465
Albuquerque, NM 87197



INVOICE NUMBER	INVOICE DATE	INVOICE DUE DATE	INVOICE STATUS	INVOICE DESCRIPTION
INV-00040237	08/08/2025	08/08/2025	Due	NONE

REFERENCE NUMBER	FEES NAME	TOTAL
VA-2025-00133	Facilitated Meeting Fee for Public Hearing Cases	\$50.00
	Posted Sign Fee	\$30.00
	Published Notice Fee - Legal Ad	\$75.00
	Technology Fee	\$17.85
	Variance ZHE Application Fee	\$100.00
3715 Silver Ave Se Albuquerque, NM 87108	SUBTOTAL	\$272.85

REMITTANCE INFORMATION	TOTAL	\$272.85
PO Box 1293 Albuquerque NM, 87103 Attn: Planning Department		





**Zoning
Hearing
Examiner**

Agenda Number: 4
Case #: VA-2025-00133
Hearing Date: October 21, 2025

Staff Report

Agent	Maria Gonzales (Agent)	Staff Recommendation
Applicant	City on the Hill Church	DENIAL of
Request	Variance – Illuminated Wall Sign / Increase 30 Inch Façade from 36 Inches to 66 Inches	VA-2025-00133 based on the Findings within this report
Legal Description	Lot 15, Block 2, Mankato Place Addition	
Address/Parcel No.	3715 Silver Avenue SE 101705704120833510	
Size	0.155 Acres	
Zoning	MX-M	Staff Planner Misa K. Bloom, Planner

Summary of Analysis (Project Overview)

The applicant is requesting approval for a Variance of 36 inches to the 30-inch maximum projection sign and for a 66-inch maximum projecting sign in accordance with IDO Section 14-16-5-12(F)(2); Table 5-12-3, situated within an MX-M mixed-use medium intensity zone district. All necessary documentation has been submitted in compliance with the requirements outlined in IDO Section 14-16-6-6(O), Variance - ZHE.

The applicant's address is located within the Near Heights CPA, specifically in an area designated as change. No external agencies were involved in the notification process. Additionally, the lot is located in a Premium Transit Station Area – Nob Hill East Station, Major Transit Corridor – Central Avenue, Main Street Corridor Area – 1,320 Foot Buffer, Nob Hill / Highland – CPO-8. For a comprehensive understanding of this case, please refer to the complete staff report.

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RECOMMENDED CONDITIONS OF APPROVAL	ERROR! BOOKMARK NOT DEFINED.

ATTACHMENTS

- A) PHOTOGRAPHS** **A**
- B) SITE HISTORY.....** **B**
- C) APPLICATION INFORMATION** **C**
- D) STAFF INFORMATION** **D**
- E) PUBLIC NOTICE** **E**

I. Maps

Aerial Map



IDO Zoning Map



Land Use Map



II. Introduction

Project Description

Ms. Maria Gonzales, Zeon Signs (Agent), is submitting a Variance of 36 inches to the 30-inch maximum projection sign and for a 66-inch maximum projecting sign for the City of the Hill Church (Property Owner) at 3715 Silver Avenue SE. The application aims to establish an additional illuminated projection sign on their property within a mixed-use medium intensity zone district.

Request

The applicant has submitted a variance request for an illuminated projecting sign on the site. This operation necessitates approval for a variance pursuant to the provisions of IDO Section 14-16-5-12(F)(2); Table 5-12-3.

If approved, the applicant would be permitted to erect an illuminated projecting sign at their commercial property, in compliance with all applicable City of Albuquerque building and zoning codes governing its construction.

The City on the Hill Church is a religious facility situated in a multi-story building at the northwest corner of Silver Avenue SE and Solano Drive SE. It is positioned directly opposite a two-story structure within an MX-M mixed-use medium intensity zone district, thereby necessitating a variance permit in accordance with the Integrated Development Ordinance (IDO).

Subject Site Context

Subject Site	<i>IDO Zoning</i>	<i>Comprehensive Plan Development Area</i>	<i>Existing Land Use</i>
	MX-M	Area of Change	Mixed-Use
<i>North</i>	MX-M	Area of Change	Mixed-Use
<i>South</i>	R-1B	Area of Consistency	Single-Family Residential
<i>East</i>	MX-M	Area of Change	Mixed-Use
<i>West</i>	MX-M	Area of Change	Mixed-Use

Site History / Related Requests

The site has not received any recorded conditional use or variance applications, nor have any additional requests been submitted to the ZHE for consideration and approval.

Zoning Hearing Examiner's Role

The Zoning Hearing Examiner (ZHE) holds public hearings and makes quasi-judicial decisions about special exceptions to zoning regulations in the Integrated Development

Ordinance (IDO). The ZHE ensures compliance with zoning laws, considers public input, and issues written findings based on evidence presented and staff recommendations.

III. Analysis of City Plans and Ordinances

Albuquerque / Bernalillo County Comprehensive Plan

City Development Areas

The subject site is located in an Area of Change as designated by the Comprehensive Plan. Areas of Change include Centers, Corridors, and Metropolitan Redevelopment Areas, where new development and redevelopment are desired and appropriate. These areas include undeveloped land and commercial or industrial zones that would benefit from infill or revitalization. Directing growth to Areas of Change is intended to reduce development pressure on established neighborhoods and rural areas, minimizing infill or redevelopment at a scale and density that could negatively impact their character. Areas of Change are intended to be the focus of urban-scale development that benefits job growth and housing opportunities.

Center & Corridor Designations

None identified.

Integrated Development Ordinance (IDO)

IDO Zoning

In May 2018, the Integrated Development Ordinance replaced the City's Zoning Code, and the property's zoning was converted from SU-1 to MX-M. The purpose of the MX-M zone district is to provide for a wide array of moderate-intensity retail, commercial, institutional and moderate-density residential uses, with taller, multi-story buildings encouraged in Centers and Corridors.

The zoning district permits a carport permit pursuant to IDO Section 14-16-5-12(F)(2) Signs in Mixed-use and Non-residential Zone Districts.

Overlay Zones

No existing overlay zones were identified.

Definitions

Sign Definition – Projecting Sign: A type of building-mounted sign, other than a wall sign or canopy sign, that projects from and is supported by a wall of a building.

Variance: Exceptions to dimensional standards or variations from the strict, literal application of standards in this IDO or the DPM. Variances from IDO standards are reviewed and decided by the ZHE or EPC, while Variances from technical standards in the DPM or related to projects in public rights-of-way are decided by the DHO. The

allowable use of premises may never be changed via a Variance. See also Waiver and Use Definitions for Allowable Use.

Zoning Hearing Examiner (ZHE): A person or firm on contract with the City who reviews and decides applications for Conditional Use Approvals, Expansions of Nonconforming Use or Structure, Permit – Carport, Permit – Wall or Fence – Major, and Variances.

IV. Variance - ZHE

IDO Review and Decision Criteria

Pursuant to IDO §14-16-6-6(O)(3) (Review and Decision Criteria), "An application for a Variance – ZHE shall be approved if it meets all of the following criteria."

(O)(3)(a) The wall is proposed on a lot that meets any 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.

Analysis: The applicant has failed to sufficiently articulate any special circumstances or extraordinary hardships that would warrant the granting of a variance for their property. The applicant's submission indicates that the City recommended a pole-mounted sign; however, their rejection of this recommendation and pursuit of a projected wall sign appear to be self-imposed choices, which do not constitute valid hardships.

The variance justification does not sufficiently demonstrate that the proposed wall sign will not pose a material risk to public safety, health, or welfare. The analysis appears to focus solely on direct impacts, neglecting broader public concerns, which form the basis of the inquiry. Additionally, the applicant has

provided little to no evidence to support the assertion that the sign will not adversely affect neighboring properties or infrastructure.

The applicant has failed to submit adequate information demonstrating that their proposal will not materially compromise the intent and purpose of the IDO or the applicable zone district. The financial considerations presented by the applicant do not qualify as an extraordinary hardship. Additionally, the assertion that a wall-mounted projected sign would improve safety and security appears to primarily benefit the property owner, with little regard for the interests of the surrounding community.

V. Agency & Neighborhood Concerns

Reviewing Agencies

As with all ZHE applications, this request was reviewed by City Transportation staff, with no comments or objections provided.

Neighborhood/Public

The Applicant was obligated to notify the Neighborhood Associations designated by the Office of Neighborhood Coordination. Notifications were duly made to the Elder Homestead, Nob Hill, Southeast Heights, and Victory Hills Neighborhood Associations.

The Applicant also notified the abutting property owner impacted by the conditional use request, as required. Five (5) letters of opposition were received, with one (1) response from the applicant for case # VA-2025-00133. Any correspondence received after the completion of this report may be included in the record if submitted before the closing acceptance period or may be read into the record during the scheduled ZHE hearing.

VI. Conclusion

This case has been deferred to the ZHE Hearing scheduled for October 21, 2025, due to prior inadequate property owner notification. The notification process has since been completed by the designated agent, and copies of the notification have been provided and affixed to this staff report.

The applicant has not met the requirements specified in IDO Section 14-16-6-6(O)(3), as the submitted evidence is deemed insufficient to substantiate their request. Consequently, the reviewing planner recommends that the Zoning Hearing Examiner (ZHE) deny the applicant's request during the scheduled hearing on October 21, 2025.

Findings, Conditional Use Approval

Project #: VA-2025-00131

1. The applicant requests a variance for an illuminated projecting sign pursuant to IDO Section 14-16-5-12(F)(2) in Lot 15, Block 2, Mankato Place Addition, located at 3715 Silver Avenue SE and containing approximately 0.155 acres .
2. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
3. Pursuant to §14-16-6-6(O)(3)(a) of the Integrated Development Ordinance, Review and Decision Criteria, "An application for a Variance – ZHE shall be approved if it meets all of the following criteria.
 - (a) 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.
 - (b) The Variance will not be materially contrary to the public safety, health, or welfare.
 - (c) The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.
 - (d) The Variance will not materially undermine the intent and purpose of this IDO, the applicable zone district, or any applicable Overlay Zone.
 - (e) The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.

The applicant provided supporting written evidence for this section, but did not adequately address each part clearly and concisely, which does not meet the requirements established under IDO Section 14-16-6-6(O)(3).

The ZHE has determined that all items listed under this section have not been addressed in the applicant's original submittals.

4. The City Traffic Engineer submitted at the time of staff report writing no written objection or support to the Application was provided.

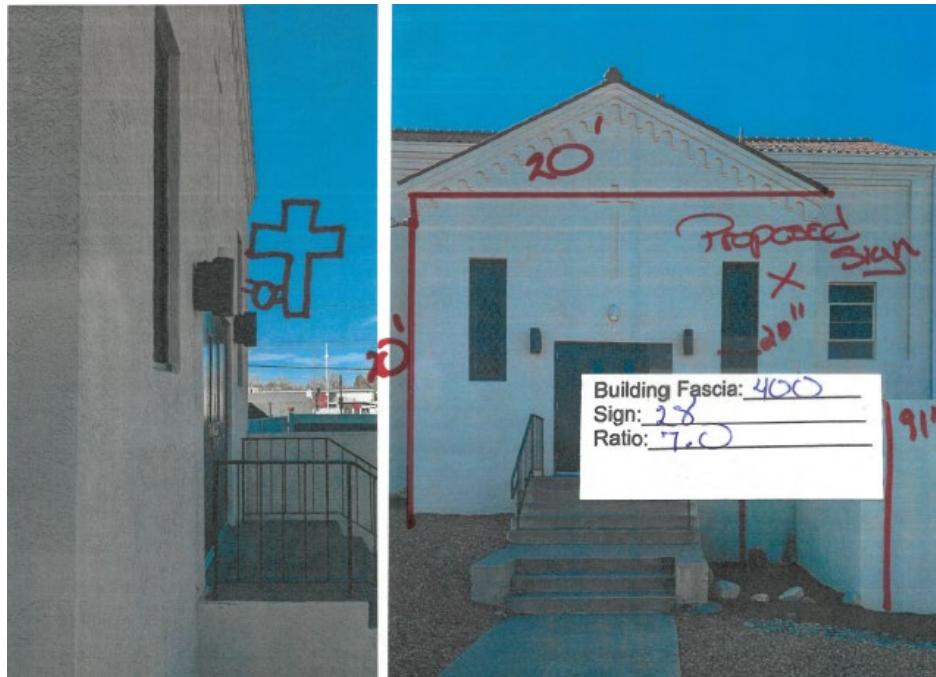
Recommendation

DENIAL of Project #: VA-2025-00133, a request for a variance for an illuminated projecting sign for legal description, based on the preceding Findings.

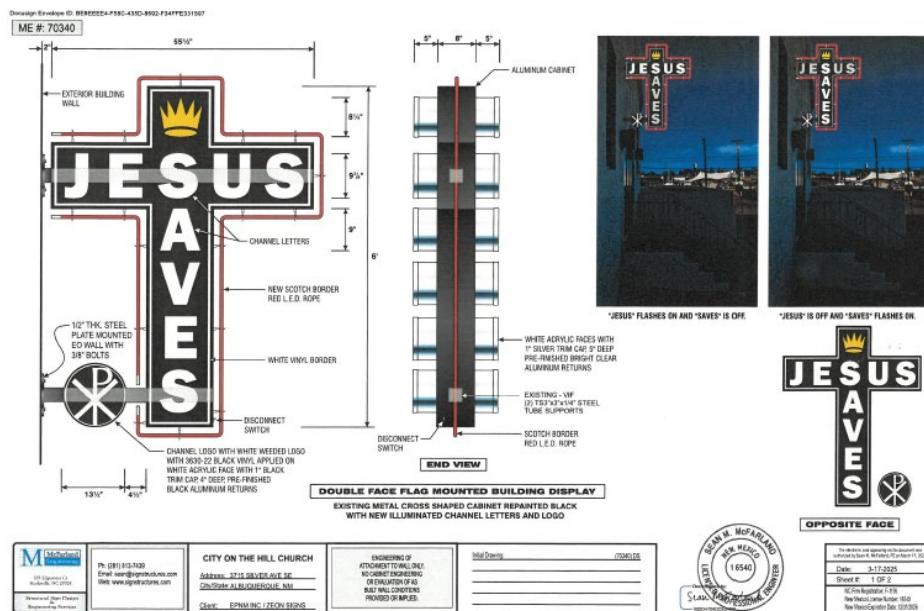


Misa K. Bloom
Planner, Zoning Hearing Examiner
Urban Design and Development Division

A) PHOTOGRAPHS



Site Location



Proposed Sign Dimensions

B) SITE HISTORY

No identified site history or existing notice of decisions on file.

C) APPLICATION INFORMATION

Justification letter

CITY — ON A — HILL

June 4, 2025

Attention: City of Albuquerque Planning Department,

We hired Zeon Signs to install a sign that was previously located at our prior church building on San Mateo Blvd. When Zeon applied for the permit, the City informed Zeon that the sign would need to be mounted from a freestanding pole instead of attached to the side of the building like it was at our previous location. This change was due to the fact that the sign exceeds the allowed protrusion distance from the side of the building by only 2 feet.

Mounting the sign from a freestanding pole is not a good option for multiple reasons:

1. Using a pole would allow people to climb the pole and gain access to our main building via a window as well as a garbage dumpster enclosure. It is worth noting that the City of Albuquerque required us to build that garbage dumpster enclosure at a cost of over \$25,000 when remodeling the building.
2. Due to its proximity to the building, mounting the sign on a pole would significantly increase the risk of vandalism as well as break ins given the rough part of town where our church is located.
3. The sign was designed to be mounted from the side of the building and was previously used that way for years. The cost to reconfigure the sign would be prohibitive.
4. The aesthetic look of the sign will be much more appealing if mounted to the side of the building than if it were mounted on a pole.

We are respectfully asking that a simple permit variance be granted allowing the sign to be mounted to the side of our building.



Pastor Dan Miller

City On A Hill Church

3715 Silver Ave SE Albuquerque, NM 87108

Variance Justification-General form responses from Dan Miller (pastor at City On A Hill Church 3715 Silver Ave SE)

RE: Maria, please change the language in this section so that it is crystal clear that we are increasing the distance of the outer edge of the sign to 66" total inches from the building. The way that it is currently written, might be misunderstood as only requesting an additional 6" of variance.

1. Mounting the sign to a pole as suggested by the city increases safety and security risks because it is highly likely that someone will climb the pole to either break in a nearby window or use the sign pole to scale the garbage dumpster enclosure wall.
2. Mounting the sign to the wall will remove safety and security risks due to its mounting location that is not accessible from the ground.
3. Wall mounting the sign is advantageous to both neighbors, nearby business, as well as our church because it will be safer and more aesthetically pleasing.
4. It is simply extending the sign several additional feet from the wall rather than having the sign free standing on a pole that is less attractive and a neighborhood safety issue.
5. Mounting the sign to the building exterior wall greatly improves safety/security and keeps the sign as least obtrusive as possible for neighborhood sight lines. Mounting the sign on a pole would also increase costs by thousands of dollars and create unwanted safety and aesthetic issues.

D) STAFF INFORMATION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
ZONING HEARING EXAMINER SECTION

ZONING HEARING EXAMINER
Project #: VA-2025-00133
Hearing Date: October 21, 2025
Page E

E) PUBLIC NOTICE



ZHE Hearing 10/21/2025

Agenda Item 4: 3715 Silver Avenue SE

VA-2025-00133

ZHE - Robert Lucero: And we're gonna move to Agenda Item 4. Agenda item 4 is VA-2025-00133, PR-2025-020095. City on the Hill Church, through Agent Maria Gonzalez, Zion Signs NM, requests a variance of 36 inches to the 66-inch maximum for a projecting sign for lots 11 through 14, Block 2, Monkato Place, located at 3715 Silver Avenue SE. Do we have a representative of the applicant here? Hello. Can you please state your mailing, your full names and mailing address for the record?

Dan Miller: Yeah, my name's Dan Miller, and our mailing address is 3715 Silver Avenue SE, Albuquerque, 87108.

ZHE - Robert Lucero: Thank you, and then I see, let's see, Paquita's iPhone is there, too? Oh, it looks like you're on mute. Well, while you get unmuted, let me swear, and Mr. Mill, if you'd raise your right hand, and you, affirm under penalty of perjury that your testimony today will be true?

Dan Miller: I do.

ZHE - Robert Lucero: Thank you. Let's see, let's go to Paquita's Iphone, are you there?

Maria Gonzalez - Xeon Signs: I'm trying to get back on it.

ZHE - Robert Lucero: Excellent. Would you please state your full name and mailing address for the record?

Maria Gonzalez - Xeon Signs: It's Maria Gonzalez with Xeon Signs at 2024 5th Street NW. And I'm in permitting.

ZHE - Robert Lucero: Thank you, Ms. Gonzalez. If you please raise your right hand, and do you swear or affirm under penalty of perjury that your testimony today will be true?

Maria Gonzalez - Xeon Signs: Yes, sir.

ZHE - Robert Lucero: Thank you. Okay, who'd like to start telling me about this application, please?

Dan Miller: Yes. Thank you for hearing our case, Mr. Lucero. So we are trying to install a sign that had been previously mounted on our church on San Mateo, and then we have moved and purchased our first building a few years ago, and had taken that sign down, then went to put it up,

and went through the process of turning it over to Xeon Signs to get ready to do that, and then they started the permitting process, and then discovered that Nob Hill has some sign restrictions based on a projecting mounting logo sign, and so that's what started this permitting process. And we're trying to simply reinstall this sign on the side of our church building. And we were told that we needed to get a variance because of the extra 36 inches to the code. And so that's what started this, and we were also instructed that we would have the opportunity to install it on a pole instead of going through this mounting procedure through the building.

And so, we opted to go through the variance permit because of several reasons, which we've documented in the information before you, but first of which is that the sign was originally installed the same way in the other buildings, so we wanted to keep with that same nature. It's kind of the projecting logo sign. And then also, the several issues for security, like, to mount it on a pole, which we were instructed by the City Permitting Department that we could do already, but to mount it on a pole would pose some security risk. You know, being in Nob Hill, there's some challenges with lots of folks, you know, being around and being able to climb that sign and have access to a window, break into the building. And so, then also for some vandalism of the sign, so that's why we wanted to keep it off a pole.

And then also, we felt like mounting it to the building would be a better aesthetic. It would keep it less visible for the neighbors, and still allow us to be able to do what we wanted to do with the sign. And then it was also a cost factor, too. If we were to put it on a pole, which we have been given that approval to do that, so to speak, by the City, would have cost substantially more to do that. And so, we felt like, because of all those reasons, it was good to apply for the variance and try to stick with the original intention of that sign and have it mounted. So that's what got us here today, is kind of that quick history. And, that's what we're trying to do, is just simply extend that sign because of its dimension by 36 inches. And so, that's the purpose of this variance application.

ZHE - Robert Lucero: Great, thank you. Thank you for that recap, and thanks also for the submittals. (Inaudible).. there be special circumstances that are applicable to the lot itself. Meaning the physical land, are there... and that means that there's something like, you know, the shape, the size, the location, topography, other... other external circumstances not caused by the landowner that creates special circumstances on the lot. What's, what's unique or special about this lot?

Dan Miller: Well, I'm not sure what the special circumstance is with the lot. I'm not privy to what you're referring to relative to the lot, so maybe defer to Maria and see if... because I'm just not that familiar with the City ordinance process or whatever, so that maybe Maria, you could speak to that? I'm not sure quite what the question is.

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Maria Gonzalez - Xeon Signs: I... So, my understanding is... where the church is located, the cross is on the east side of the building. There's another entrance that, it's a side entrance to that church. And it's, the sign would be facing north and south. Because it's on the wall. It's on the actual lot. I know that I got something from the City stating that it was a different address, a different lot. But the whole building is one whole lot. I guess they have it from Silver Street to whatever the next street is. Is that correct, Dan?

Dan Miller: Yeah, I'm sorry, I didn't understand maybe what you were asking, Mr. Lucero. So basically, I think what you're referring to, there's several parcels. The church was built in originally 1946 as a Methodist church, and then they bought some additional parcels, and so those are all technically the same, but they're from tax purposes, labeled separate parcels, but they're really not, and so the church building I think that's maybe where some of that confusion or misunderstanding comes from. There's actually 3 different parcels that are listed from a tax perspective. But they're actually all one piece. One was a parsonage, which was obviously now part of the church, built in the 40s or 50s, the main church building, and then an expansion that they did way back in the 60s. And we purchased the property in its entirety about 4 or 5 years ago. Oop, are you still there?

ZHE - Robert Lucero: Fine. Fairly. Yeah. (inaudible)

ZHE Hearing Monitor, Nichole Maher: You were frozen, we didn't hear anything that you said.

ZHE - Robert Lucero: Good, can you guys hear me now?

Maria Gonzalez - Xeon Signs: Oh, yes, we can hear you now.

ZHE - Robert Lucero: Oh, good. Thank you. No, thank you for that explanation. I just saw the, I hear what you're talking about, and then I see the sign (inaudible).

ZHE Hearing Monitor, Nichole Maher: Hearing Officer, you're freezing. Going in and out again.

ZHE - Robert Lucero: You know what I'm... Can you guys hear me better now with the video off?

Maria Gonzalez - Xeon Signs: Yes. Yes.

ZHE - Robert Lucero: I'll just leave the video off, that way it doesn't get choppy. Okay.

Okay... So yeah, like I was saying, thank you for that explanation. And then, you know, the other sort of a requirement in connection with the special circumstances is that those special circumstances create an extraordinary hardship in the form of, like, a limitation on your reasonable use or economic return of the property. Or that practical difficulties result from strict compliance with the minimum standards. And, you know, here the minimum standards is the size of the sign. What about this, the property, you know, in that special circumstance you mentioned makes it, difficult to put a sign up that would comply?

Dan Miller: Well, like I mentioned, I think there's a couple issues. One is the security. If it would be a pole-mounted sign, which is my understanding that the City was okay with, and we could have already done without doing this variance, would have posed a significant security issue. There's a window that could be accessed by climbing that pole. There's also a dumpster wall that the City required us to build a number of years ago, to enclose that, so because of where that sign would need to be mounted on a pole, people could climb that pole and either vandalize the sign, or more importantly, they could actually gain access to the, a side window and break into the church building itself. So that's a significant security risk, so that's kind of the special exception, if you will, that is our, one of our primary concerns, and then the aesthetic and the costs were, you know, second and tertiary issues. But the primary thing was safety and security and for the Church break-in, and then a vandalism with a sign.

ZHE - Robert Lucero: Okay, thank you. Thank you for those clarifications. Let's see, anything else that you'd like to add before I call for public comment?

Maria Gonzalez - Xeon Signs: I just wanted to renovate [sic]. When I was, doing the paperwork with the City, and I spoke with Conchetta Trujillo, who is in charge of zoning, they did express to me, because it is a logo, it's not actually a sign, that they do not regulate a copy of a logo across. That's often used in churches and admission outreach centers. So, that was the... the presentation that the City recommended us that it is a logo. It is not actually a sign, because it doesn't say City on the Hill Church.

The other part of it was the exception of requesting the logo that was going to be applicable to all the codes governing the major zoning departments, and the City had already reviewed everything. They had recommended us [sic], we could keep the same size of that logo and mount it on a pole. But because of the cost, the foundations that would have to be done, the concrete that has to be poured in, and then it's going to be even a little bit higher, as long as it gets to meet the City code ordinances, it would, It's more visible that way if you have it on a pole versus having it mounted on the wall. So, according to how Conchetta and Dominic informed us before we

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applied for the variants, we, we feel that we did everything that was, that the City's request was for us to apply for the variance.

ZHE - Robert Lucero: Okay. Very good. Anything else you'd like to add before I call for public comment?

Maria Gonzalez - Xeon Signs: No. Thank you.

Dan Miller: Thank you.

ZHE - Robert Lucero: Well, thank you for those, thank you for your testimony. I'll go ahead and call for public comment, and then if there is any, you'll have the chance to respond. And so again, for everybody here: this is, excuse me, Agenda Item 4, and it's a request for a sign variance at 3715 Silver Avenue. Please raise your hand if you'd like to speak on that item. I see, Shoshana, Solano Drive Southeast, are you there?

Shoshana Handel: Yes, I'm here. Hi.

ZHE - Robert Lucero: Good, I can hear you, thank you. Would you please state your full name and mailing address for the record?

Shoshana Handel: Sure, my name's Shoshana Handel, I'm at 313 Solano Drive SE, 87108.

ZHE - Robert Lucero: Thank you, and please raise your right hand. Do you affirm under penalty of perjury that your testimony today will be true?

Shoshana Handel: Yes.

ZHE - Robert Lucero: Thank you, go ahead.

Shoshana Handel: Okay, so I live just a couple blocks from the church. I am strongly opposed to the variance, to be clear. Just to describe a little bit, this is a huge blinking sign that says Jesus Saves. It's alternating, so the Jesus Saves, it's very bright. It faces a residential street, which is Silver, which is a very cute, quiet street. There are two churches. I was at the Neighborhood Association meeting. There was a strong showing of neighbors.

The vast majority of neighbors are against this because, again, it's a residential street with a huge blinking sign. The board of the Neighborhood Association unanimously voted to oppose this variance. I want to say, too, that the church came, and they did verify the sign would be lit till

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at least midnight. There is no reason, there's already a sign that names the church that is illuminated, to essentially ruin an adorable little residential street to have this huge light that is going to disturb all of us, so I am strongly opposed. I'm not seeing any reason for the sign, except that they want it, and it because it is going to cost them more money, and they want the message. I, again, I'm just strongly opposed. Thank you.

ZHE - Robert Lucero: Thank you for your testimony. Let's see, I saw Beth Roy with the hand raised. Are you there, ma'am? Looks like you're on mute there.

Beth Roy: Yes, I'm here.

ZHE - Robert Lucero: Oh, good, thank you. Would you please state your full name and mailing address for the record?

Beth Roy: Beth Roy, 3806 Arlote Avenue SE, which is an extension of Silver.

ZHE - Robert Lucero: Okay, and please raise your right hand, and do you swear or affirm under penalty of perjury that your testimony today will be true?

Beth Roy: I do.

ZHE - Robert Lucero: Thank you. Go ahead.

Beth Roy: I... so I... I want to echo Shoshana's comments. It's not just a lighted sign, it's a flashing neon sign. Very large dimension. I know that the church previous to buying this, you know, really delicate and beautiful wooden building on our street, were situated on San Mateo in a commercial area. So, I appreciate that the sign may have been not noteworthy there, but it is extremely noteworthy in our neighborhood.

We did some sightline investigation, and that sign is gonna flash in my kitchen and dining room windows when it's on, on a regular basis, so there's going to be no escaping it. I think, you know, it is a message sign. Jesus Saves is not just an announcement of a Christian church, but a message from that church. And while I welcome the church to the neighborhood, I think they did an absolutely beautiful job of renovating this very precious building that they're occupying. And, so far, they've been good neighbors, right? A little bit of parking congestion that wasn't there before, at certain times, but that's no big problem.

So, I really want to make a plea. I actually contacted the church in two different forms now to propose a dialogue with the neighbors about how to coexist in our neighborhood, which is a kind of an enclave. It's a self-contained area with, you know, personally occupied homes, nothing

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else commercial. I haven't gotten a response to that proposal, that offer, but it still stands. I'd be happy to meet with people and talk about alternatives. I think the sign they do have up is tasteful and, discrete. And, you know, it's... it announces who and what the church is. So, I make a plea here. No sign, please, to make a night blight, and...

ZHE - Robert Lucero: Oh, thank you, thank you for your testimony, Ms. Roy.

Beth Roy: Yes.

ZHE - Robert Lucero: Appreciate it. And again, for everyone in attendance, this is Agenda Item 4. We're in the public comment period. If you've not yet spoken and would like to add your comments, please raise your hand. I see... let's see, is it Mariah Breeding with the hand raised? Are you there? If you could.

Mariah Breeding: Yes, it is. Thank you.

ZHE - Robert Lucero: Thank you. Get your full name and mailing address.

Mariah Breeding: I mean, sure. Sorry, my name is Mariah Breeding. I live at 3806 Arlote Avenue, and I want to say first that the church...

ZHE - Robert Lucero: Let me get you sworn in first, please, if you...

Mariah Breeding: Oh, yes, of course.

ZHE - Robert Lucero: And do you swear or affirm under penalty of perjury, that your testimony today will be true?

Mariah Breeding: I do.

ZHE - Robert Lucero: Thank you. Go ahead.

Mariah Breeding: Thank you for the opportunity to speak. I want to first commend City on the Hill Church for being actually really wonderful neighbors so far. The remaking of the building has been lovely. I actually quite like their existing sign, which says City on the Hill and is on the corner of Silver and Solano. It's lit at night, it's quite lovely, so I don't have an objection to sign in general, but I very strongly object to a flashing neon sign.

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This is a... where the church sits is zoned one way, immediately across the street, across Silver, is a residential zoning, and I don't think a blinking neon sign is appropriate for residential zoning. This is where the bulk of people who are going to see this sign live, all up Solano. The sign is actually on Solano, not Silver, so everybody on Solano, many of us on Silver, can see it.

I moved here particularly because it was such a quiet neighborhood. Calm, beautiful. I... if I wanted neon, I'd be in Downtown or out on San Mateo. So, I also think it's... it's not just a logo. It has written words on it, it has... it's the Jesus Saves function that blinks, so I certainly don't think it should be any... by any means considered a logo sign.

And the only thing I would say is that, again, I can imagine a sentimental attachment on the church's part to a sign that was at their previous place of worship, and I have a lot of sympathy with that, but maybe you could put it inside your own hall. Somewhere. It's a large building, maybe it would be nice in the basement, or the recreation room, or something? This is not the place for it. We're not San Mateo. So, I please, please, please keep the, the atmosphere of the neighborhood. We work very hard to keep this place clean and beautiful and safe, not lit up like downtown.

ZHE - Robert Lucero: Thank you, Ms. Breeding. Appreciate your testimony, thank you. Okay, so again, we're on Agenda Item 4. If you've not yet spoken and would like to add your public comment, please raise your hand. Let's see, I'm scrolling through the participants, and I don't see anyone else with the hand raised. Again, calling for a public comment on Agenda Item 4. Oh, let's see, I see a Ms. Breeding with the hand raised, are you there?

Mariah Breeding: Yes, I am, and I just spoke, but I wanted to add one thing about the nature of the meeting here. Last time we came, last month to this meeting, I know of at least 4 other neighbors who were prepared to testify. One of them's out of town, one of them had a health emergency. I don't know what happened to the other two, but unfortunately, it was announced at the beginning of the meeting that our subject would not be discussed, so we sat here for 2 hours waiting to testify before we were told that we weren't going to be able to talk last month. So, I think... it's disheartening, and I just want to say, again, I know of four other parties that were willing to come to the meeting, but I think people just didn't want to come and run the risk of sitting for another 2 hours and once again not being heard. Thank you for letting me comment on that.

ZHE - Robert Lucero: Thank you, Ms. Breeding, for bringing that to my attention. Yeah, let's think... well, Planning staff, let's think through how we can make that announcement made at the beginning of the meeting permanent, on the, maybe on the chat or something, so that folks aren't left waiting around all day. Nichole, go ahead.

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ZHE Hearing Monitor, Nichole Maher: Yes, Hearing Officer, I was just going to ask if the public that commented would mind putting their email address in the chat for me, that way we can send you notice?

ZHE - Robert Lucero: Great, and if you, if you... you can send it privately to Nichole in a private chat, if you like, or just post it in there, as you deem fit. Thank you, Nichole.

ZHE Hearing Monitor, Nichole Maher: And I did send you all private chats.

ZHE - Robert Lucero: Oh, excellent. Okay, let's see, again, agenda Item 4, any, any last public comments? Last call for public comment on Agenda Item 4.

Maria Gonzalez - Xeon Signs: You're not public.

Dan Miller: Mr. Lucero, may I make one final comment?

ZHE - Robert Lucero: You get the chance to respond to the public comment when the period is done. Okay. I'm not seeing anyone else making public comment, so let's go back to the applicants. And, if you, go ahead and respond to the public comment.

Dan Miller: First of all, I want to thank the neighbors that have participated in the meeting, and the ones that weren't able to be here today, too. Appreciate your feedback and your input. We certainly want to be great neighbors in our area, and we recognize that we're kind of the newcomer. A lot of these folks have lived there for years or decades. And so we're very sensitive of that fact.

And so, one of the things I want to point out or clarify, too, is that what we're trying to do with this sign, like I said, is to reutilize something we've used before, and we are willing to make some accommodations. We don't want to not put it up. I mean, I think that's not something that we're very interested in doing, but we would be willing to think about some accommodations, to put it on a timer to limit the time that it runs, possibly eliminating the blinking, just leaving it lit instead of blinking. It's not a neon sign, just for clarification, it is an LED sign, so neon is just really not used much anymore, but it is a lit sign, obviously.

And the other thing I want to make clear, too, we certainly want to respect all the different neighbors that have spoken, and some of these neighbors have different proximity. There are three residences that will actually have visual sight line to this particular sign. And so, and none of those folks, I believe, are, in one house with Mariah and Beth possibly has a little bit of limited sign, but I've actually been in front of their house and looked over there, and it might be in the fall when there's some leaves down. But the 3 residences that have actual confirmed visual sight

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lines, I've spoken to all 3 of them. One of them's in opposition to the sign, and they're not here, any of those folks today, but there's really only three residences that will actually be able to physically see this sign at any point. So I just wanted to be clear about that.

And so we do want to be good neighbors, we want to be able to do what we can. But we're also trying to accommodate the need to be able to put that sign up, ideally like we had originally, at our other buildings. So, that's, that's just information I thought would be helpful for you to understand, that we do recognize that it does have an impact. We were willing to do, make some accommodations, but it is, it's a very limited impact for the actual number of residents that will actually have a sight line to the sign.

ZHE - Robert Lucero: Okay, let's go to, Ms. Gonzalez.

Maria Gonzalez - Xeon Signs: Hi, I just wanted to redirect that, the sign is not up yet, so, as far as... having it be a flashing sign, it's not a flashing sign like if it's a flashlight on your face. And it's not neon, like he said. It is, let... it's illuminated with LED lights, and it's based on the codes that the City has. So, there is also a dimness After hours that automatically those signs... signs, dim down. They do not stay, to the actual... how the sign is being made. It has a timer on them.

And, based on what Mr. Miller had addressed to accommodate the, the community, the neighborhood there, we can change the flashing to just having it be lit up, and the request for the variance is just to add the additional 36 in order for the sign to be mounted on the wall. It's... it... it's... nothing else as far as how the City's, compliance to their code ordinances that we were meeting, which was in § 5-12(F) and (inaudible) under the projecting signs, and so I just wanted to let the committee know in regards to that. And we just want to thank you, Mr. Lucero.

ZHE - Robert Lucero: Thank you, Ms. Gonzalez. Let's... let's do this, because it looks like there was one more public comment that I overlooked. Let's go to that person who hasn't yet had an opportunity to speak, and then we'll go back to the applicants if there's any response to that one person, and please limit... limit it to this one person. So, I see Zoom user with a hand raised. Are you there? Let's see, looks like you're on mute there, sir.

Robert Janov: How about now? How about now?

ZHE - Robert Lucero: Yes, would you please state your full name and mailing address for the record?

Robert Janov: Sure, my name is Robert Janov, and I live at 3805 Arlote Avenue SE.

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ZHE - Robert Lucero: Thank you, sir. Please raise your right hand, and do you swear or affirm under penalty of perjury, that your testimony today will be true?

Robert Janov: Yes, I do.

ZHE - Robert Lucero: Thank you, sir. Go ahead.

Robert Janov: Okay, thank you, and I want to echo a lot of the comments that were made. I'm opposed to this. And two things. The first thing, I'd lo... again, thank you for the church for being really good neighbors and for fixing up that beautiful building. I... what I... it is on the church and the organization to tell us why they need this. What is the reason? Why do you need this? You have a sign. It's... it is a beautiful sign. Why do you need this extra sign?

Secondly, I'll echo what, some of the other neighbors said, which is on San Mateo versus a neighborhood are very different places, so I understand wanting to keep your sign, but this is... this is... this is a neighborhood with families and, kids, and it's a very different environment, and that is why we... the ordinances are different on this... on this street.

Let's see what else I had in here, yeah. Again, oh, also, LED, lights are brighter than, incandescent lights. LED lights are brighter, and so that's something to consider as well. We, again, we want to work. There was a request to meet with the church, and we would love to meet with you. We'd certainly love to, but didn't hear back. I... Yes, so that's about it, and I want to second all the other comments that were made here today. Please talk to us, let's have a meeting, let's talk and figure out a plan. And, yeah, I am definitely opposed to this. Thank you very much.

ZHE - Robert Lucero: Thank you, sir. Let's go back to the applicant, team. Mr. Miller, Ms. Gonzalez, would you like to respond to that last speaker?

Dan Miller: Absolutely, sure. And we would be absolutely willing to sit down, and I'll mention to Beth, I'm not sure what happened. Like, I've never had any notification that she'd reached out, and like, and certainly if she had, I would... and I would have known that, we would have tried to do that. So, I don't know where those wires got crossed, or the communication broke down. So, for, you know, the last gentleman that commented, and Beth, and If there's a willingness to sit down and do that, we're happy to do that. And so, there was never any intention to be effusive [sic].

I know there's some... there was some concern that originally people had expressed, like, hey, we're trying to pull one over on the neighbors. That's never been our intention. Our intention, we want to be great neighbors, and we want to work this out. And, you know, at the end of the day, it's going to come down to, like, can we put a sign up or not? How do we accommodate that

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with the neighborhood feelings about that? And so that's what we want to try and work out. And so the City's in kind of a unique spot where you'll have to make a decision a little bit about some of the comments you've heard today, but I'd also ask that you stick to some of the original code, process and variance things, and not just the comments themselves, and so I'm happy to sit down and talk with Beth and other neighbors if they want to do that.

We, just for record, we've done that on several occasions, through some neighborhood association meetings that Nob Hill's hosted. So, we want to do what we can, but we also recognize, too, there may be some, ultimately, disagreement about whether we should put it up or not, and so we want to be good neighbors, but we also don't want to just say, well, we won't put up the sign, just because of some... some of that resistance as well. So, I guess that'd be what I would leave you with. So, thank you.

ZHE - Robert Lucero: Thank you, Mr. Miller. Let me ask you, because it sounds like there's willingness on multiple fronts to meet and talk, would it be beneficial to defer this to the November hearing, give you all an opportunity to visit and come back and see if, you know, there was... you mentioned some conditions that could be placed on the... on the signage, and maybe if those were ironed out, people would get aligned. Is that... was that beneficial, or would you like me to just, rule on the evidence in the record?

Dan Miller: Well, I guess my question would be in that is, like, how much of that influences your decision? Is your decision based solely on the ordinances, or are you taking a lot of this public comment into your decision?

ZHE - Robert Lucero: Yeah, good question. So, my role is to take the evidence that's in the record and apply the IDO to it, and make a decision on the merits. And so, testimony that's on the merits, it certainly is weighed. Things that are not on the merits are not weighed, and so... but it strikes me that things that are on the merits include, within my discretion is to put conditions on an approval to mitigate any potential negative circumstance, and so if those could be fleshed out, you know, what are the conditions that would mitigate any negative circumstance from an approval that might, that would be on the merits and could be considered. Does that make sense?

Dan Miller: It does. I just... yeah, I just want to make sure that we do something that's going to be beneficial for the neighbors and for you and everything without wasting time as well, though. So that's why I'm just trying to ascertain what's the best way. I'm absolutely happy to engage and have a conversation with the neighbors. But at the end of the day, if the solution is don't put up the sign, then we're a little bit at an impasse. And so that's why I want to go into that with a fair expectation.

ZHE - Robert Lucero: Yeah, that's fair, and yeah, and it's your call, you know, only you can sort of judge where that would come out, but let's see, Ms. Gonzalez, did you have a hand raised on behalf of the applicant? You're muted there, ma'am. So, you're still on mute there.

Maria Gonzalez - Xeon Signs: The, I just wanted to let the neighborhood know that, based on the City, the suggestion of having it on the pole would be the next step. And so then, that sign would literally be flashing on your face versus it being on the wall. And, you know, it would have a little hindrance here and there. We're, we're a sign company, and we've been in business for 56 years, and we've always been in compliance with all of the City code ordinances, and when the main individual of the zoning department advises us on another route to get the sign on, then that's our next step. But the variance is to have it on the building for the security reasons, and for the cost of the, the church, because when you mount something on a pole and it goes on the ground, it's a lot more costly, and then it's, you can't move it. Versus it having it on the wall, you can take it off any other time.

ZHE - Robert Lucero: Thank you, Ms. Gonzalez. Let's go back to Mr. Miller. What's your call? Do you want me to just take it under advisement and decide, or do you want to defer and have some discussions?

Dan Miller: So, my last question with that, so, like, if we... if we say, hey, let's defer it, and we meet with the neighbors, will we go through the same process of the public comment again? Because that... that's the one thing, is that I'm happy to do this, but I just don't want to do it 6 times and end up with the same result.

ZHE - Robert Lucero: Yeah. Yeah, the process in terms of having public comment would be the same. Yeah, and, you know, I've seen cases that come after we defer, the parties talk, they come back, everyone's aligned, the public comment is, yes, we worked it out, here we go. I've also seen cases where they're at an impasse, they say, look, we tried to work it out, we couldn't, and then we are here at the same place. So, I can't... I don't have a crystal ball, you know, it's up to you. You just gotta let me know one way or the other.

Dan Miller: Well, let's do this. For good faith for the neighbors, we do want to really do what we can, and so I don't want to give false hope that we're going to say, hey, let's not put up the sign, but I do want to say, let's do what we can to get together and have a good civil discourse about some possibilities, like, let's put the sign on a timer, let's not let it blink. Some of those things, I think, could be on the table, but I just... I do want to be clear for the neighbors that I don't think a realistic option for us is, hey, let's not put it up.

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So, like, I don't want to give false hope that having a meeting and saying, hey, the neighbors talked us out of putting up the sign, I don't see that as being a very realistic option. So, like, if there's a willingness by some of these neighbors that have spoken today to meet to talk about some of these possible accommodations under those circumstances, very willing to do that. But if it's a... if it's a meeting to say, let's not put it up, then I don't know if that's going to be that productive. So, I would just... I would just maybe, with some of the neighbors that are still here, say, hey, would you be willing to... to talk about some of those options, about how we could work that out without it being all yes or no, completely sign up or down?

Shoshana Handel: Can I speak, or is it allowed?

ZHE - Robert Lucero: Go ahead, would you, you've already been sworn in, would you please repeat your full name?

Shoshana Handel: Shoshana Handel.

ZHE - Robert Lucero: Go ahead, ma'am.

Shoshana Handel: So, I was at the neighborhood association, there was a different rep, meeting, there was a different representative from the church. We did have quite a discussion, it was a long meeting, and pretty much all of the neighbors in opposition said that we would be open to having the sign face the north side, be hung on the north side, which would be facing Central, which is a commercial area.

Not once in this meeting have I heard the representative from the church put that out there as an accommodation they are willing. So, we met, we discussed it, and we did offer an alternative, which is to have it face north, away from the residence, and toward Central. So, I think that should be... I think that Mr. Lucero should understand that that has been offered, and I haven't seen that the church changed their request in any way to document that.

ZHE - Robert Lucero: Okay. Mr. Miller, in light of that, do you... what do you think about deferral, or... or decide on the merits now?

Dan Miller: Well, I'd love to maybe hear from Beth as well, because she also, or any other neighbor, really quick, if they want to comment about that. That might be a possibility, that would be a second or third level consideration, so I just want to be clear about that. But Beth, what would you say about that, or the other gentleman that spoke?

ZHE - Robert Lucero: Ms. Roy, go ahead.

Beth Roy: My inclination is to say, let's hear from the City. You know, what... what you're... because you are actually really on a very, you know, narrow part of this. And let's continue the dialogue. I don't think that they're mutually exclusive. I hear that you, you know, Mr. Miller, are not willing to talk about the sign not being visible. I hadn't known... I'm sorry I missed the neighborhood meeting. I wasn't aware of it at the time, but I wasn't aware that there was an alternative that had been proposed that would actually shelter the neighborhood from the light blight, which is how I do think about it.

So, I'm certainly up for talking about that more, and talking in general about how we coexist in this neighborhood. But we're going into this with a zero-sum equation that, as you've posed it, and that makes dialogue a whole lot less you know, really companionable and neighborly. So, I'm disinclined to hold up the process this process, the zoning commission process, you know, for the sake of a dialogue that's already been determined, basically.

ZHE - Robert Lucero: Thank you, Ms. Roy. Mr. Miller? Actually, let's go to Ms. Breeding first, then we'll go to Mr. Miller. I want to wrap this up, because we have a lot of other cases on the agenda. Ms. Breeding, briefly, please? It looks like you're on mute, ma'am.

Mariah Breeding: I'm disinclined to hold a meeting to discuss this sign. I'm very inclined to hold a meeting to discuss other things about neighborly getting along together, and I... I would just like to also point out that Mr. Miller's statement that this will only affect 3 people, 3 residents is not accurate. It may be only coming in three residences direct windows, but the moment you step out of your door for a dog walk, to go to the grocery store, to sit in your front lawn, all several blocks up Solano will absolutely be affected by this, and the block that I live on as well.

ZHE - Robert Lucero: Thank you, Ms. Breeding. Mr. Miller, what do you think, in light of all of this, do you want to have me decide, it sounds like that's where folks are leaning?

Dan Miller: I think so. I think that we're certainly going to do everything we can to accommodate some of the things that we've talked about here today. I'll take those to some of our leadership team, and we'll certainly talk about that, because we do, we don't want to antagonize neighbors. That's not our goal, so I want, I want everybody that's here that's commented to hear that. We care about you, we really do value your, your thoughts and opinions, and we would also ask that, that you would do the same for us. And so we want to be able to, to get along and have a good relationship, and so we will definitely, try to continue some conversation. Beth, I'll try to reach out to you, maybe in person. I know where you're at, and maybe come over and say hi, and see if we can talk some more.

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But I do think, Mr. Lucero, that based on the request and the process, because we're... the reason we're here at this point is because we tried to go through the process to make sure that what we thought was going to be the best alternative for us and the committee would be this on the building versus the pole. You know, if we would have done the pole, this would have never happened, the sign would have been up, and probably the neighbors would have been even more frustrated. So, I do think, probably based on the input that's been provided, I do think it's probably best for you to go ahead and make a ruling based on what you've heard today, and then we can continue some conversations with the neighbors offline as well.

ZHE - Robert Lucero: Okay, thank you. Well, I'd like to thank everybody for their participation. You've definitely given me a lot to consider, and I'm going to do my best to apply the evidence in the record to the IDO, and I will take everything under advisement and issue the written decision in 15 days. And Nichole, go ahead.

ZHE Hearing Monitor, Nichole Maher: Yes, Hearing Officer, I was just going to ask if, Robert Janov can either spell his last name for the record, or if he can answer my message in the chat so that I can get a correct spelling of his name.

ZHE - Robert Lucero: Oh, yes, thank you. Would you go ahead and do that, please, sir? Thank you.

Maria Gonzalez - Xeon Signs: Mr. Lucero, can I just add one more thing?

ZHE - Robert Lucero: Oh, sure.

Maria Gonzalez - Xeon Signs: I just wanted to let you know that the north side of that building, it faces an alley, and it faces the back of another building that's right on Central. No one would see that sign. So, I just wanted you to know in regards to that.

ZHE - Robert Lucero: Okay. Well, thank you, everyone. Thank you very much, everybody. That concludes Agenda Item 4. Have a great day. You're welcome to stay, but welcome to leave as well for... for all participants, on item 4.



NOTICE OF APPEAL

December 4, 2025

TO WHOM IT MAY CONCERN:

The Planning Department received an appeal on November 20, 2025. You will receive a Notice of Hearing as to when the appeal will be heard by the **Land Use Hearing Officer**. If you have any questions regarding the appeal, please contact Nichole Maher, Planning Sr. Administrative Assistant, (505) 924-3845 or nmaher@cabq.gov.

Please refer to the enclosed excerpt from the Land Use Hearing Officer Rules of Procedure and Qualifications for any questions you may have about this procedure.

Any questions you might have regarding Land Use Hearing Officer policy or procedures that are not answered in the enclosed rules can be answered by Michelle Montoya, Clerk to the City Council, (505) 768-3100 or mmmontoya@cabq.gov.

CITY COUNCIL APPEAL NUMBER: AC-25-05

**PLANNING DEPARTMENT CASE FILE NUMBER: VA-2025-00133 (ZHE – Variance)
VA-2025-00170 (Appeal)**

APPLICANT: City on the Hill Church

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