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PR-2019-003219, VA-2020-00386, VA-2021-00007

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Mayor Timothy M. Keller

CITY OF ALBUQUERQUE

Albuquerque, New Mexico

Planning Department

INTER-OFFICE MEMORANDUM

February 9, 2021

TO: Cynthia Borrego, President, City Council

FROM: Brennon Williams, Planning Director *BWilliams*

SUBJECT: AC-21-2, Project-2019-003219, VA-2020-00386, VA-2021-00007: Garcia Kramer & Associates, agent for Charter School Solutions, appeals the Zoning Hearing Examiners decision to Deny a variance of 120 feet to the minimum required 660-foot distance from the outer edge of Tramway Blvd right-of-way for a proposed electronic sign for Lot E1A2, Panorama Heights Addn, located at 99999 Lomas BLVD NE, zoned MX-M [Section 14-16-5-12(H)(2)(c)]

OVERVIEW

Applicant filed a request for a variance of 120 feet to the minimum required 660 foot distance from the outer edge of Tramway Boulevard right-of-way for a proposed electronic sign. The request was scheduled and heard at the December 15, 2020 public hearing.

In the Notice of Decision issued December 30, 2020, the Zoning Hearing Examiner found that the applicant did not meet the Variance-Review and Decision Criteria in Section 14-16-6-6(N)(3)(a) of the Integrated Development Ordinance. Specifically, because the use is prohibited by the Integrated Development Ordinance and approval of the application would undermine its purpose.

BASIS FOR APPEAL AND STAFF RESPONSE

Section 14-16-6-4(V)(4) outlines the applicable criteria for the appeal in determining whether the Zoning Hearing Examiner erred in their decision:

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

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:

6-4(V)(4)(a) The decision-making body or the prior appeal body acted fraudulently, arbitrarily, or capriciously.

6-4(V)(4)(b) The decision being appealed is not supported by substantial evidence.

6-4(V)(4)(c) 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).

The reasons for the appeal, excerpted from Appellant's letter, are listed below, with a bulleted, italicized response from the Planner for the Zoning Hearing Examiner. Please see the Appellant's letter and submittal packet for additional details.

The ZHE's Decision in This Matter Constituted an Abuse of Discretion and Went Outside His Scope of Authority

Rather than objectively weigh the evidence presented in the application and at the hearing for meeting the criteria for a variance approval, the ZHE chose to focus and place considerable weight on the question of whether a variance to the 660' dimension could be even considered if electronic signs are "prohibited".

And since electronic signs are already an allowed "use" in the MX-M zone, this variance request should be allowed to proceed for an exception to the dimensional standard of 660' pursuant to the definition of a variance.

- *The Integrated Development Ordinance specifically prohibits electronic signs within 660 feet of Tramway Blvd per Section 5-12(H)(2)(c) Prohibited Areas.*

The ZHE Erred in Applying Adopted City Plans, Policies, and Ordinances in Arriving at the Decision

The ZHE failed to take into consideration adopted elements of the IDO, specifically the definition of a "variance"- Reference 14-16-7-1.

- *Appellant requested a variance to a dimensional standard for a use that is prohibited.*
- *The allowable use of premises may never be changed via a Variance.*

There is no analysis or explanation that was given in the ZHE "Findings" as to why the application "undermined the intent and spirit of the IDO"

- *Finding #8: Section 14-16- 5-12(H)(2)(c) specifically prohibits electronic signs within 660 feet of the outer edge of Tramway.*
- *Finding #9: Approval of the variance would materially undermine the intent and purpose of the IDO.*
- *Finding #10 Given that criterion (4) in Section 14-16-6-6(N)(3)(a) (Variance-Review and Decision Criteria) has not been satisfied, the variance must be denied, and it is therefore unnecessary to examine any other element required to establish a variance.*

The ZHE's Decision was Arbitrary and Capricious And Should be Reversed

In his ruling, the ZHE failed to specify the basis on which the ruling was made, including naming any injury that would be caused or citing any of the twelve provisions – subsections 1-3(A) thru 1-3(L) of the IDO's "Purpose" 14-16-1-3, which according to Findings #9 of the ZHE decision, this section was the reason for denial of the variance.

- *See Findings 8-10 listed above. Because the use is prohibited by the Integrated Development Ordinance, and approval would undermine its purpose, the Zoning Hearing Examiner denied the application.*

/ Lorena Patten-Quintana /
Lorena Patten-Quintana, ZHE Planner
Office of the Zoning Hearing Examiner
City of Albuquerque Planning Department





AC-21-2 Memo

Final Audit Report

2021-02-16

Created:	2021-02-16
By:	Lucinda Montoya (lucindamontoya@cabq.gov) Signed
Status:	CBJCHBCAABAAaB8EY5O11td8X_sEmYC_etlYqaYVvuqZe
Transaction ID:	

"AC-21-2 Memo" History

-  Document created by Lucinda Montoya (lucindamontoya@cabq.gov)
2021-02-16 - 4:57:52 PM GMT - IP address: 198.175.173.4
-  Document emailed to BN Williams (bnwilliams@cabq.gov) for signature
2021-02-16 - 4:58:11 PM GMT
-  Document e-signed by BN Williams (bnwilliams@cabq.gov)
Signature Date: 2021-02-16 - 10:45:00 PM GMT - Time Source: server- IP address: 198.175.173.4
-  Agreement completed.
2021-02-16 - 10:45:00 PM GMT



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

Charter Schools Solutions (Agent, Garcia/Kraemer & Associates) requests a variance of 120 feet to the minimum required 660-foot distance from the outer edge of Tramway Blvd right of way for a proposed electronic sign for Lot E1A2, Panorama Heights Addn, located at 99999 Lomas BLVD NE, zoned MX-M [Section 14-16-5-12(H)(2)(c)]

Special Exception No:..... **VA-2020-00386**
Project No: **Project#2020-004669**
Hearing Date: 12-15-20
Closing of Public Record: 12-15-20
Date of Decision: 12-30-20

On the 15th day of December, 2020, Garcia/Kraemer & Associates, agent for property owner Charter Schools Solutions (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 120 feet to the minimum required 660-foot distance from the outer edge of Tramway Blvd right of way for a proposed electronic sign (“Application”) upon the real property located at 99999 Lomas BLVD NE (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 120 feet to the minimum required 660-foot distance from the outer edge of Tramway Blvd right of way for a proposed electronic sign.
2. The City of Albuquerque Integrated Development Ordinance, Section 14-16-6-6(N)(3)(a) (Variance-Review and Decision Criteria) 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 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. 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 the IDO or the applicable zone district.*
 - (5) *The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.”*
3. The Applicant has authority to pursue this Application.

4. Applicant bears the burden of ensuring there is evidence in the record supporting a finding that the above criteria are met under Section 14-16-6-4(N)(1).
5. Agent appeared and gave evidence in support of the application.
6. All property owners within 100 feet of the subject property and the affected neighborhood association were notified.
7. The subject property is currently zoned MX-M.
8. Section 14-16- 5-12(H)(2)(c) specifically prohibits electronic signs within 660 feet of the outer edge of Tramway.
9. Approval of the variance would materially undermine the intent and purpose of the IDO.
10. Given that criterion (4) in Section 14-16-6-6(N)(3)(a) (Variance-Review and Decision Criteria) has not been satisfied, the variance must be denied, and it is therefore unnecessary to examine any other element required to establish a variance.

DECISION:

DENIAL of a variance of 120 feet to the minimum required 660-foot distance from the outer edge of Tramway Blvd right of way for a proposed electronic sign.

APPEAL:

If you wish to appeal this decision, you must do so by January 15, 2021 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 decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for any related building permit or occupation tax number. Approval of a conditional use or a variance application is void after one year from date of approval if the rights and privileges are granted, thereby have not been executed, or utilized.



Robert Lucero, Esq.
Zoning Hearing Examiner

cc:

ZHE File
Zoning Enforcement
Garcia/Kraemer & Associates, jct473@gmail.com



Please check the appropriate box and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application.

Administrative Decisions	Decisions Requiring a Public Meeting or Hearing	Policy Decisions
<input type="checkbox"/> Archaeological Certificate (Form P3)	<input type="checkbox"/> Site Plan – EPC including any Variances – EPC (Form P1)	<input type="checkbox"/> Adoption or Amendment of Comprehensive Plan or Facility Plan (Form Z)
<input type="checkbox"/> Historic Certificate of Appropriateness – Minor (Form L)	<input type="checkbox"/> Master Development Plan (Form P1)	<input type="checkbox"/> Adoption or Amendment of Historic Designation (Form L)
<input type="checkbox"/> Alternative Signage Plan (Form P3)	<input type="checkbox"/> Historic Certificate of Appropriateness – Major (Form L)	<input type="checkbox"/> Amendment of IDO Text (Form Z)
<input type="checkbox"/> Minor Amendment to Site Plan (Form P3)	<input type="checkbox"/> Demolition Outside of HPO (Form L)	<input type="checkbox"/> Annexation of Land (Form Z)
<input type="checkbox"/> WTF Approval (Form W1)	<input type="checkbox"/> Historic Design Standards and Guidelines (Form L)	<input type="checkbox"/> Amendment to Zoning Map – EPC (Form Z)
	<input type="checkbox"/> Wireless Telecommunications Facility Waiver (Form W2)	<input type="checkbox"/> Amendment to Zoning Map – Council (Form Z)
		Appeals
		<input checked="" type="checkbox"/> Decision by EPC, LC, ZHE, or City Staff (Form A)

APPLICATION INFORMATION

Applicant: Charter Schools Solutions		Phone: (713) 900-7173
Address: 9555 W Sam Houston Pkwy S #200		Email: mayic@abqse.org
City: Houston	State: TX	Zip: 77099
Professional/Agent (if any): Garcia/Kraemer & Associates		Phone: (505) 440-1524
Address: 600 1st St NW- Suite 211		Email: jct473@gmail.com
City: Albuquerque	State: NM	Zip: 87102
Proprietary Interest in Site: owner	List <u>all</u> owners:	

BRIEF DESCRIPTION OF REQUEST

Appeal of a decision by the ZHE to deny a variance

SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)

Lot or Tract No.: E1A2	Block:	Unit:
Subdivision/Addition: PANORAMA HEIGHTS ADDN	MRGCD Map No.:	UPC Code: 102205847502241515
Zone Atlas Page(s): K-22	Existing Zoning: MX-M	Proposed Zoning: N/A
# of Existing Lots: 1	# of Proposed Lots: N/A	Total Area of Site (acres): 4.996 AC

LOCATION OF PROPERTY BY STREETS

Site Address/Street: 13201 Lomas Blvd NE	Between: Nakomis Dr	and: Tramway Blvd
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CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)

PR-2019-003219

Signature: <i>Jonathan Turner</i>	Date: 1/15/21
Printed Name: Jonathan Turner	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent

FOR OFFICIAL USE ONLY

Case Numbers	Action	Fees	Case Numbers	Action	Fees

Meeting/Hearing Date:	Fee Total:
Staff Signature:	Date:
	Project #


FORM A: Appeals

Complete applications for appeals will only be accepted within 15 consecutive days, excluding holidays, after the decision being appealed was made.

- APPEAL OF A DECISION OF CITY PLANNING STAFF (HISTORIC PRESERVATION PLANNER) ON A HISTORIC CERTIFICATE OF APPROPRIATENESS – MINOR TO THE LANDMARKS COMMISSION (LC)**
- APPEAL OF A DECISION OF CITY PLANNING STAFF ON AN IMPACT FEE ASSESSMENT TO THE ENVIRONMENTAL PLANNING COMMISSION (EPC)**

APPEAL TO CITY COUNCIL THROUGH THE LAND USE HEARING OFFICER (LUHO)

- Interpreter Needed for Hearing? NO if yes, indicate language: _____
- A Single PDF file of the complete application including all documents being submitted must be emailed to PLNDRS@cabq.gov prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided on a CD. PDF *shall be organized* with the Development Review Application and this Form A at the front followed by the remaining documents *in the order provided on this form*.
- Project number of the case being appealed, if applicable: #2019-003219
- Application number of the case being appealed, if applicable: VA-2020-00386
- Type of decision being appealed: ZHE decision to deny a variance
- Letter of authorization from the appellant if appeal is submitted by an agent
- Appellant's basis of standing in accordance with IDO Section 14-16-6-4(V)(2)
- Reason for the appeal identifying the section of the IDO, other City regulation, or condition attached to a decision that has not been interpreted or applied correctly, and further addressing the criteria in IDO Section 14-16-6-4(V)(4)
- Copy of the Official Notice of Decision regarding the matter being appealed

<p><i>I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting or hearing, if required, or otherwise processed until it is complete.</i></p>	
<p>Signature: <u>Jonathan Turner</u></p>	<p>Date: <u>1/15/21</u></p>
<p>Printed Name: <u>Jonathan Turner</u></p>	<p><input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent</p>
<p>FOR OFFICIAL USE ONLY</p>	
<p>Case Numbers: _____</p>	<p>Project Number: _____</p>
<p>Staff Signature: _____</p>	
<p>Date: _____</p>	

GARCIA/KRAEMER & ASSOCIATES 600 1ST St NW Suite 211

Albuquerque, NM 87102

(505) 440-1524 mobile

January 15, 2021

Mr. Steven M. Chavez, Esq.
Land Use Hearing Officer
Albuquerque City Council
P.O. Box 1293, Room 9087
Albuquerque, New Mexico 87103

RE: Project #2019-003219: Appeal of VA-2020-00386- Charter Schools Solutions,
13201 Lomas Blvd NE

Dear Mr. Chavez:

This is an application to appeal the Zoning Hearing Examiner (“ZHE”)’s denial of a *Variance* request, dated December 30, 2020, for a proposed electronic sign on the school’s property. This office represents Charter Schools Solutions, property owner, (collectively, “Appellant” or “Applicant”) with respect to Charter School Solution’s renovation and construction project at the Albuquerque School of Excellence located at the above referenced address. This appeal is timely filed because it is filed prior to 5:00 p.m. on January 15, 2021, when the fifteen day appeal deadline expires. A copy of the ZHE Notification of Decision is attached hereto as Exhibit A. Appellant has standing to bring this appeal as Charter Schools Solutions is the property owner of record at the 13201 Lomas Blvd NE location. A letter of authorization from the property owner is enclosed. Mehmed Milanovic- Director of Facilities & Construction, Mustafa Ayik- Principal and Head Administrator, and Charter Schools Solutions are adversely affected by the ZHE’s decision.

Background

Appellant owns the 4.99 AC property on which the proposed electronic sign is to be located. The subject site is zoned MX-M, Mixed-use -Moderate Intensity Zone District. In 1995 the property was developed as an Albertson’s grocery store, which after many years closed and the property and building then became vacant. In 2011 the Albuquerque School of Excellence moved into the old Albertson’s location to operate as a K-12 college preparatory public charter school. Since opening, the school’s student enrollment numbers have more than doubled in size.

The application before the ZHE was for a variance of 120’ to the minimum required 660’ (1/8 mile) distance from the edge of Tramway Blvd right-of-way to allow for a 55 sq. ft. electronic sign. As shown on the sign elevation rendering that was submitted with the

ZHE application, the proposed sign is relatively small and located below the school's larger, static, free-standing sign, which shows the name and logo of the school. The proposed free-standing sign (including the smaller electronic sign) is to replace the old Albertson's sign that was demolished- which was both in substandard condition and exceeded today's allowed sign size. Due to the exceptionally large lot and the location being along Lomas Blvd NE, where there are no restrictions or limitations for electronic signs, the proposed electronic sign could be located on the property outside of the 660' distance requirement; however, based on the existing location of the school's vehicular ingress/egress onto Lomas Blvd. -that was established almost 30 years ago, practical difficulties result from the strict compliance with the minimum standards. These practical difficulties were both described in the justification letter and discussed in detail during testimony at the ZHE public hearing.

The ZHE's Decision in This Matter Constituted an Abuse of Discretion and Went Outside His Scope of Authority

The ZHE abused his discretion when he denied this application for a variance. An abuse of discretion is established if the agency or lower court has not proceeded in the manner required by law, the order or decision is not supported by the findings, or the findings are not supported by the evidence. The ZHE ignored the applicant's testimony and evidence given with the application documents and at the hearing regarding the variance. Rather than objectively weigh the evidence presented in the application and at the hearing for meeting the criteria for a variance approval, the ZHE chose to focus and place considerable weight on the question of whether a variance to the 660' dimension could be even considered if electronic signs are "prohibited". On the record, the agent testified to the validity of the variance request- summarizing that, the IDO definition of a "variance" allows exceptions to dimensional standards of the regulations, but that an allowable "use" may never be changed through a variance. And since electronic signs are already an allowed "use" in the MX-M zone, that this variance request should be allowed to proceed for an exception to the dimensional standard of 660' pursuant to the definition of a variance. Also, there is no dispute that electronic signs are an allowed use in the MX-M zone, so the applicant was not asking for the ZHE to approve a use that is not allowable. Furthermore, at the hearing, the ZHE was informed by both the agent and the ZHE Planner of a previous variance case (17ZHE-80070/project# 1011201) that was heard and approved for an exception to the same dimensional standard of the 660' minimum distance away- in that case from Rio Grande Blvd NW. It is apparent that the ZHE ignored this evidence and chose to still put significant weight on the validity of the variance request instead. The appellant believes that this constitutes an abuse of discretion and that the ZHE went outside his scope of authority in denying the application when he was fully aware that there was already a previous ZHE case regarding the issue at hand but undeniably chose to ignore this evidence presented.

Additionally, the ZHE's finding essentially amounts to a single conclusory statement- "Approval of the variance would materially undermine the intent and purpose of the IDO" (ZHE Decision of 12-30-20- Findings, #9) showing that the decision is not only unfounded on the Record, but is contrary to logic and reason- It is inevitable that the

development on the Property will involve the use of signs, and in the MX-M zone anywhere along Lomas Blvd, electronic signs are allowed except in this case along the eastern portion of the school property and within 660' of Tramway Blvd ROW. If located on the western portion of the lot, the electronic sign only requires a sign permit. It is contrary to logic and reason to conclude that the variance would undermine the intent and purpose of the IDO when the proposed sign can be legally on the property without a variance and the ZHE failed to specify the basis on which the ruling was made. Under the IDO General Provisions 14-16-1 the "Purpose" of the IDO- reference 14-16-1-3, contains twelve subsections (A) thru (L), none of which are cited in the justification given by the ZHE, further establishing an abuse of discretion since the decision is not supported by the findings.

The ZHE Erred in Applying Adopted City Plans, Policies, and Ordinances in Arriving at the Decision

As explained above, the ZHE failed to take into consideration adopted elements of the IDO, specifically the definition of a "variance"- Reference 14-16-7-1. There is no analysis or explanation that was given in the ZHE "Findings" as to why the application "undermined the intent and spirit of the IDO" It is clear that the IDO definition of a variance states "The allowable use of premises may never be changed via a variance" but what is also evident in other sections of the IDO, that based on the definition, would not allow a variance to a dimension is only when the language specifically states that "this use is prohibited" rather than the use being allowed- not prohibited, but with dimensional constraints such as the 660' in this case. Appellant believes that for this reason the ZHE erred in considering the adopted elements of the IDO which resulted in the denial of their application for variance approval.

The ZHE decision is contrary to adopted City plans, policies, and ordinances, and should be set aside.

The ZHE's Decision was Arbitrary and Capricious And Should be Reversed

In his ruling, the ZHE ignored the testimony of the applicant and the evidence presented in the application and at the hearing. Appellant believes that with no explanation or analysis by the ZHE that shows how he arrived at his conclusion and decision, that the ZHE acted with **unreasoned action without proper consideration in disregard for the facts and circumstances.** In his ruling, the ZHE failed to specify the basis on which the ruling was made, including naming any injury that would be caused or citing any of the twelve provisions – subsections 1-3(A) thru 1-3(L) of the IDO's "Purpose" 14-16-1-3, which according to Findings #9 of the ZHE decision, this section was the reason for denial of the variance. The ZHE failed to specify in his Findings and Conclusions the basis for the denial of the application, except to make the unsupported, cursory conclusion:

"Approval of the variance would materially
undermine the intent and purpose of the IDO"

Based upon the foregoing, it is entirely evident that the ZHE simply disregarded, without comment or analysis, the contrary evidence in the Record and concluded, with no supporting evidence or analysis, that he would simply deny the application.

In order for the LUHO to properly review the decision, the ZHE is required to connect statements of fact and evidence to his "Findings and Conclusions". This he did not do. There is no connection between the application, testimony, and evidence submitted and the decision that the request would undermine the intent and purpose of the IDO.

For these reasons, appellant believes that the ZHE's decision was arbitrary and capricious because without any explanation or analysis of the facts, **it provides no rational connection between the facts found and the choices made, or entirely omits consideration of relevant factors or important aspects of the problem at hand**. New Mexico Courts have determined that action by a governmental body must not be arbitrary and capricious. The ZHE provided no reasoning, guidance, or instructions for his decision beyond the brief Findings and Conclusions in the Notification of Decision, in spite of the Record being replete with reasons why the applicant had addressed all of the criteria for a variance approval. Rather, he seems to have based the denial on the use of the word "prohibited" in the IDO regulations for electronic signs within 660' of Tramway Blvd. This rendered the ZHE's decision inappropriate, and yet another reason why it should be reversed.

Conclusion

For the reasons given above, and those to be presented at the LUHO hearing, the Appellants respectfully request that the LUHO reverse the decision of the ZHE in this matter. In the event that the LUHO is disinclined to reverse the ZHE decision, we respectfully request that the case be remanded back to the ZHE for another hearing at which reconsideration of the facts, additional evidence, and new testimony from the school staff, parents, and neighbors who support the variance request may be introduced.

Your attention to this matter is greatly appreciated.

Sincerely,



Jonathan Turner

Garcia/Kraemer and Associates

Cc: Albuquerque School of Excellence



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

Charter Schools Solutions (Agent, Garcia/Kraemer & Associates) requests a variance of 120 feet to the minimum required 660-foot distance from the outer edge of Tramway Blvd right of way for a proposed electronic sign for Lot E1A2, Panorama Heights Addn, located at 99999 Lomas BLVD NE, zoned MX-M [Section 14-16-5-12(H)(2)(c)]

Special Exception No:..... **VA-2020-00386**
Project No: **Project#2019-003219**
Hearing Date: 12-15-20
Closing of Public Record: 12-15-20
Date of Decision: 12-30-20

On the 15th day of December, 2020, Garcia/Kraemer & Associates, agent for property owner Charter Schools Solutions (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 120 feet to the minimum required 660-foot distance from the outer edge of Tramway Blvd right of way for a proposed electronic sign (“Application”) upon the real property located at 99999 Lomas BLVD NE (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 120 feet to the minimum required 660-foot distance from the outer edge of Tramway Blvd right of way for a proposed electronic sign.
2. The City of Albuquerque Integrated Development Ordinance, Section 14-16-6-6(N)(3)(a) (Variance-Review and Decision Criteria) 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 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. 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 the IDO or the applicable zone district.*
 - (5) *The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.*”
3. The Applicant has authority to pursue this Application.

4. Applicant bears the burden of ensuring there is evidence in the record supporting a finding that the above criteria are met under Section 14-16-6-4(N)(1).
5. Agent appeared and gave evidence in support of the application.
6. All property owners within 100 feet of the subject property and the affected neighborhood association were notified.
7. The subject property is currently zoned MX-M.
8. Section 14-16- 5-12(H)(2)(c) specifically prohibits electronic signs within 660 feet of the outer edge of Tramway.
9. Approval of the variance would materially undermine the intent and purpose of the IDO.
10. Given that criterion (4) in Section 14-16-6-6(N)(3)(a) (Variance-Review and Decision Criteria) has not been satisfied, the variance must be denied, and it is therefore unnecessary to examine any other element required to establish a variance.

DECISION:

DENIAL of a variance of 120 feet to the minimum required 660-foot distance from the outer edge of Tramway Blvd right of way for a proposed electronic sign.

APPEAL:

If you wish to appeal this decision, you must do so by January 15, 2021 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 decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for any related building permit or occupation tax number. Approval of a conditional use or a variance application is void after one year from date of approval if the rights and privileges are granted, thereby have not been executed, or utilized.



Robert Lucero, Esq.
Zoning Hearing Examiner

cc:

ZHE File
Zoning Enforcement
Garcia/Kraemer & Associates, jct473@gmail.com

REQUEST FOR SPECIAL EXCEPTION

Variance Conditional Use Other Interpreter: Yes No

VA# 2020-11386 PR# 2020-004669

Date: 11/3/2020		Received By: Charles Maestas	
Address of Request: 99999 LOMAS BLVD NE			
City: Albuquerque	State: NM	Zip: 87112	
Lot: E1A2	Block: 0000	Zone: MX-M	Map page: K22
Subdivision: PANORAMA HEIGHTS ADDN		UPC# 102205847502241515	
Property Owner(s): CHARTER SCHOOLS SOLUTIONS			
Mailing Address: 9555 W SAM HOUSTON PKWY SO SUITE 200			
City: Houston	State: TX	Zip: 77099	
Phone: 915-500-1032	Email: jiscapa@eppx.net		
Agent: Garcia/Kraemer & Associates			
Mailing Address: 600 1st St NW Suite 211			
City: Albuquerque	State: NM	Zip: 87102	
Phone: 505-440-1524	Email: jct473@gmail.com		
Fee Total: \$ 210.00			

Completed Application Requirements:

- Copy of relevant IDO section
- Letter of authorization (if agent representation)
- Proof of Pre-application Meeting (not required for a variance)
- Proof that neighborhood meeting requirements were met
- Proof that public notice requirements were met
- Photos (site and existing structures)
- Sketch plan
- Justification letter
- Sign posting

Approved for acceptance by: _____ **Date:** _____ **Hearing Date:** DEC 15, 2020

ZONING OFFICIAL USE ONLY					
Request for exception to IDO Section: 14-16- 5-12(H)(2)(c)					
Description of request: Variance of 120 feet to the minimum required 660 ft distance from the outer edge of Tramway Blvd right of way for a proposed electronic sign.					
<input checked="" type="checkbox"/> Ownership verified on AGIS	<input type="checkbox"/> Proof of ownership included	<input checked="" type="checkbox"/> Letter of authorization included			
Case history number(s) from AGIS: <u>PR-2019-003219</u>					
APO: --	CPO# --	HPO# --	VPO# --		
Wall variances not allowed in low-density residential development in these 2 areas per 5-7(D)(3)(e):					
1) CPO 3 and 2) Monte Vista / College View Historic Dist. - Mapped Area:					
2) CPO-8 states walls no more than 3 feet high, but may request a variance					

REQUEST FOR SPECIAL EXCEPTION

Variance Conditional Use Other

Interpreter: Yes No

VA# _____ PR# _____

Date:		Received By:	
Address of Request: 13201 Lomas Blvd NE			
City: Albuquerque	State: NM	Zip: 87112	
Lot: E1A	Block:	Zone: MX-M	Map pg. K-22
Subdivision: PANORAMA HEIGHTS ADD		UPC# 102205847502241515	
Property Owner(s): CHARTER SCHOOL SOLUTIONS			
Mailing Address: 9555 W SAM HOUSTON PKWY SO, SUITE 200			
City: HOUSTON	State: TX	Zip: 77099	
Phone:	Email:		
Agent: Garcia/Kraemer & Associates			
Mailing Address: 600 1st St NW- Suite 211			
City: Albuquerque	State: NM	Zip: 87102	
Phone: (505) 440-1524	Email: jct473@gmail.com		
			Fee Total:

Completed Application Requirements:

- Copy of relevant IDO section
- Letter of authorization (if agent representation)
- Proof of Pre-application Meeting (not required for a variance)
- Proof that neighborhood meeting requirements were met
- Proof that public notice requirements were met
- Photos (site and existing structures)
- Sketch plan
- Justification letter
- Sign posting

Approved for acceptance by: _____ **Date:** _____ **Hearing Date:** _____

ZONING OFFICIAL USE ONLY			
Request for exception to IDO Section: 14-16-			
Description of request:			
<input type="checkbox"/> Ownership verified on AGIS	<input type="checkbox"/> Proof of ownership included	<input type="checkbox"/> Letter of authorization included	
Case history number(s) from AGIS:			
APO:	CPO#	HPO#	VPO#
Wall variances not allowed in low-density residential development in these 2 areas per 5-7(D)(3)(e):			
1) CPO 3 and 2) Monte Vista / College View Historic Dist. - Mapped Area			
2) CPO-8 states walls no more than 3 feet high, but may request a variance			

5-12(H)(2)(b) In residential development in any Residential zone district. For other types of development in any Residential zone district, electronic signs are limited to 25 percent of the total sign area.



5-12(H)(2)(c) Within 660 feet of the outer edge of the public right-of-way of the following streets:

1. Alameda Boulevard.
2. Griegos Road.
3. Rio Grande Boulevard.
4. Tramway Boulevard.
5. Unser Boulevard.

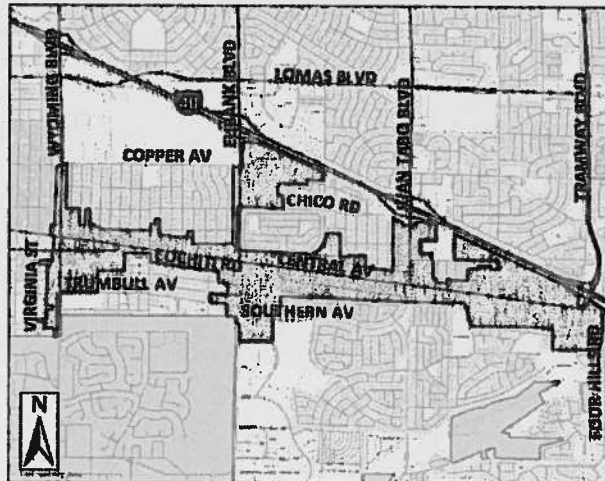
5-12(H)(2)(d) Within 660 feet of the outer edge of the public right-of-way of Coors Boulevard along the following 2 segments:

1. Between Calabacillas Arroyo and Saint Joseph Drive.
2. Between Central Avenue and the southern City limit.

5-12(H)(2)(e) Within 1,320 feet (¼ mile) in any direction of Major Public Open Space.

5-12(H)(2)(f) In the following small areas as noted:

1. Downtown Neighborhood Area – CPO-3
Electronic signs are prohibited in the R-ML, MX-T, MX-L, and MX-M zone districts in the Downtown Neighborhood Area – CPO-3.
2. East Gateway Area
Electronic signs are prohibited in Mixed-use zone districts in the following mapped area.



3. North 4th Corridor – CPO-9
Electronic wall signs are prohibited in the following mapped area.

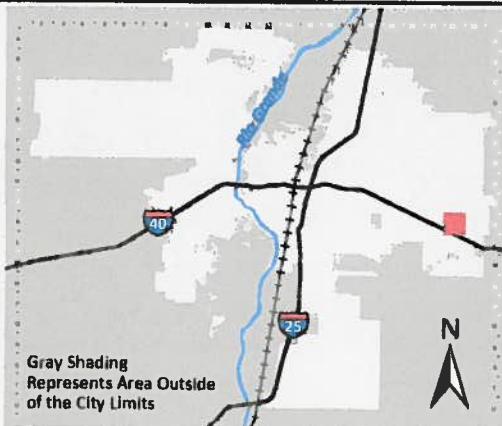


For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

IDO Zone Atlas May 2018



IDO Zoning information as of May 17, 2018
The Zone Districts and Overlay Zones
are established by the
Integrated Development Ordinance (IDO).



Gray Shading
Represents Area Outside
of the City Limits

Zone Atlas Page:
K-22-Z

- Easement
- Escarpment
- Petroglyph National Monument
- Areas Outside of City Limits
- Airport Protection Overlay (APO) Zone
- Character Protection Overlay (CPO) Zone
- Historic Protection Overlay (HPO) Zone
- View Protection Overlay (VPO) Zone



September 14, 2020

City of Albuquerque
Office of Zoning Hearing Examiner
Attn: Mr. Robert Lucero, Esq.
600 2nd St NW
Albuquerque, NM 87102

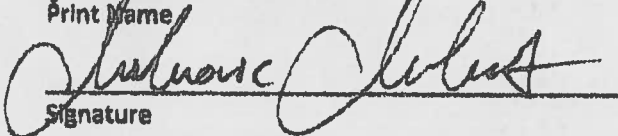
RE: 13201 Lomas Blvd NE
Albuquerque, New Mexico 87112

Dear Mr. Lucero:

As the Property Owner, I authorize Garcia/Kraemer & Associates to act as agent on matters pertaining to any and all submittals to the City of Albuquerque regarding the above referenced property.

Mehmed Milanovic

Print Name



Signature

Director of Facilities and Construction

Title

9/14/2020

Date



13201 Lomas Blvd NE- Albuquerque, NM 87112

1 message

Sanchez, Suzanna A. <suzannasanchez@cabq.gov>
To: Jonathan Turner <jct473@gmail.com>

Mon, Sep 14, 2020 at 4:13 PM

Dear Applicant,

1. Below are the neighborhood associations that need to be notified of your ZHE application. Please forward the attached 1. Letter to Neighborhood Association to the email addresses below.

Association Name	First Name	Last Name	Email	Address Line 1	City	State	Zip
East Gateway Coalition	James	Andrews	jamesw.andrews01@gmail.com	13121 Nandina Lane SE	Albuquerque	NM	87123
East Gateway Coalition	Michael	Brasher	brasher@aps.edu	216 Zena Lona NE	Albuquerque	NM	87123
Embudo Canyon NA	Julie	Dreike	presidentecna2020@gmail.com	13917 Indian School Road NE	Albuquerque	NM	87112
Embudo Canyon NA	Nena Joy	Almodovar	ecnainabq@gmail.com	13313 Indian School Road NE	Albuquerque	NM	87112

2. Below is a list of property owners within 100+ feet of the subject property. Please mail the attached, 2. Letter to Property Owners- November. Also, please provide proof that the letters were sent. Proof can be either a receipt for postage stamps purchased or a photo of the addressed envelopes.

Owner	Owner Address	Owner Address 2
UNITED STATES POSTAL SERVICE REF 34-0147/G19	160 INVERNESS DR W SUITE 400	ENGLEWOOD CO 80112
GILL NANCY JO	PO BOX 50426	ALBUQUERQUE NM 87181-0426
CLARKE SHARON L	PO BOX 51206	ALBUQUERQUE NM 87181-1206
SILVA RICHARD & NADINE M SILVA & FRANK & CECILIA F CASTRO	8132 FIRESTONE BLVD SUITE 302	DOWNEY CA 90241-4231
GRAVELINE DEBRA S	13118 ALICE AVE NE	ALBUQUERQUE NM 87112-6204
PILOT INVESTMENT GROUP LTD ATTN: MARK RHODES GENERAL PARTNER	1801 LOMAS BLVD NW	ALBUQUERQUE NM 87104
SOLOMON NOELLE	13123 ALICE AVE NE	ALBUQUERQUE NM 87112-6203
SAVAGE JAMES P	13122 ALICE AVE NE	ALBUQUERQUE NM 87112-6204

PRAIRIE HILLS APARTMENTS ALBUQUERQUE LLC	PO BOX 4218	TUBAC AZ 85646-4218
TOMITA SUSAN K	13202 ALICE AVE NE	ALBUQUERQUE NM 87112-6205
KRUTZ LISA TRUSTEE KRUTZ RVT	PO BOX 51434	ALBUQUERQUE NM 87181-1434
ELLIOT SUSAN M C/O ELLIOT JOHN B TRUSTEE ELLIOT RVT	13121 ALICE AVE NE	ALBUQUERQUE NM 87112-6203
PARDINI CARLOTA M TRUSTEE PARDINI RVT	4715 MASSACHUSETTS AVE NW	WASHINGTON DC 20016
HAMLING JOSEPH M	13125 ALICE AVE NE	ALBUQUERQUE NM 87112
CHARTER SCHOOLS SOLUTIONS	9555 W SAM HOUSTON PKWY SO SUITE 200	HOUSTON TX 77099
CONNER ORVILLE R SR & ORINTHA M	13204 ALICE AVE NE	ALBUQUERQUE NM 87112-6205
BHOPALE APOORVA I	13501 SUNSET CANYON DR NE	ALBUQUERQUE NM 87111-3056
FLISS MARTIN	PO BOX 93724	ALBUQUERQUE NM 87199
DEL MARCO CAPITAL LLC	PO BOX 4218	TUBAC AZ 85646-4218
SANCHEZ RICHARD ARTHUR & PATRICIA LYNN TRUSTEES SANCHEZ LVT	7517 SILVER LAKE DR	ROWLETT TX 75089- 8647
MCDAVID AILEAN TRUSTEE MCDAVID TRUST	13127 ALICE AVE NE	ALBUQUERQUE NM 87112-6203
PAIZ PATRICIA B	2236 DURAND RD SW	ALBUQUERQUE NM 87105
KOSHKAREVA ELENA	4509 SKYLINE CT NE	ALBUQUERQUE NM 87111-3001
GIFFIN PATSY RUTH	13128 ALICE AVE NE	ALBUQUERQUE NM 87112-6204
SLEETER CATHERINE A	13116 ALICE AVE NE	ALBUQUERQUE NM 87112-6204
WIDINSKI KAREN D	4441 ROXBURY NE	ALBUQUERQUE NM 87111
JASONS HOUSE LLC	11716 WOODMAR LN NE	ALBUQUERQUE NM 87111
QUERBACH LAWRENCE L & YVETTE	2600 CHELWOOD PARK BLVD NE	ALBUQUERQUE NM 87112-1911
SANDOVAL DORA J	13200 ALICE AVE NE	ALBUQUERQUE NM 87112-6205

LOVING WILLIAM B JR & JANICE K

8715 LA SALA GRANDE NE

ALBUQUERQUE NM
87111-4560

From: Jonathan Turner [mailto:jet473@gmail.com]
Sent: Monday, September 14, 2020 2:43 PM
To: Sanchez, Suzanna A.
Subject: 13201 Lomas Blvd NE- Albuquerque, NM 87112

Hello Suzie,

We are requesting the affected Neighborhood Association/Coalition contacts and property owners within 100 ft. of 13201 Lomas Blvd NE. As always, thank you for your help and have a great afternoon!

Best regards,

Jonathan

-

[Quoted text hidden]



13201 Lomas Blvd NE- ZHE application notice

1 message

Jonathan Turner <jct473@gmail.com>

Mon, Oct 19, 2020 at 11:50 PM

To: jamesw.andrews01@gmail.com, brasher@aps.edu, presidentecna2020@gmail.com, ecnainabq@gmail.com

Dear Neighborhood Representatives, please see the attached file.

Thank you!



Jonathan Turner

+1 (505) 440-1524

jturner@garciakraemer.com

www.garciakraemer.com

GARCIA/KRAEMER & ASSOCIATES

600 1ST St NW Suite 211

Albuquerque, NM 87102

(505) 440-1524 office

October 19, 2020

Dear Neighborhood representatives,

I, Jonathan Turner, am the agent for Charter Schools Solutions who owns the property located at 13201 Lomas Blvd NE Albuquerque, NM 87112. The property is currently occupied and operating as the Albuquerque School of Excellence.

Pursuant to the 2018 City of Albuquerque Integrated Development Ordinance, we are requesting approval from the Zoning Hearing Examiner for a variance of approximately 120 ft. to the required 1/8 mile distance away from the edge of Tramway Blvd for a proposed LED sign that will be smaller and underneath a new free-standing non-digital sign for the school. It is the school's intent to redo and reconfigure all of their signs and replace them with newer more weather resistant materials and bring the signs up to current day City codes. The proposed LED sign will be used by the school to display the time and temperature, and will also allow the school to show messages to inform students, parents, and the general public of the school's schedule, PTA meetings, inclement weather closures, and the like. The sign will actually be located on Lomas Blvd- and not along Tramway Blvd. Although every effort was made to locate the new sign further away from Tramway, the school has been challenged by physical obstacles and existing building locations that have limited any other logical location of the sign on the property. The proposed sign has the modern technology to allow the school to completely control the display and brightness, and the school fully intends to comply with the City IDO sign regulations and the NM Night Sky Protection Act.

This letter will serve as an offer to meet with you to provide additional information regarding the applicant's variance request. If you wish to meet, please respond within 15 days. If you do not want to meet, or you support the proposal, please let me know.

A 'remote' hearing via Zoom will be held on December 15th, 2020 beginning at 9:00 AM. The agenda and information for the zoom ZHE hearing will be posted on the City website and is still forthcoming. For more information, please contact the ZHE Administrative Assistant Suzie Sanchez at 505-924-3894 or suzannasanchez@cabq.gov. Also, please feel free to contact me directly with any questions or concerns pertaining to this request at (505) 440-1524.

On behalf of the Albuquerque School of Excellence, thank you in advance for your consideration and community spirit in their effort to develop and improve their property within the Embudo Canyon neighborhood.

Sincerely,

Jonathan Turner

GARCIA/KRAEMER & ASSOCIATES

600 1ST St NW Suite 211

Albuquerque, NM 87102

(505) 440-1524 office

October 19, 2020

Dear Property owners,

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Sincerely,

Jonathan Turner

Garcia/Kraemer & Associates
600 1st St NW - Suite 211
Albuquerque, NM 87102

SLEETER CATHERINE A
13116 ALICE AVE NE
ALBUQUERQUE NM 87112-6204

Garcia/Kraemer & Associates
600 1st St NW - Suite 211
Albuquerque, NM 87102

UNITED STATES POSTAL SERVICE REF 34-
0147/G15
160 INVERNESS DR W SUITE 400
ENGLEWOOD CO 80112

Garcia/Kraemer & Associates
600 1st St NW, Suite 211
Albuquerque, NM 87102

PILOT INVESTMENT GROUP LTD ATTN:
MARK RHODES GENERAL PARTNER
1801 LOMAS BLVD NW
ALBUQUERQUE, NM 87102

Garcia/Kraemer & Associates
600 1st St NW, Suite 211
Albuquerque, NM 87102

SANDOVAL DORA J
13200 ALICE AVE NE
ALBUQUERQUE NM 87112-6205

Garcia/Kraemer & Associates
600 1st St NW, Suite 211
Albuquerque, NM 87102

CONNOR ORVILLE R SR & ORINTHA M
13204 ALICE AVE NE
ALBUQUERQUE NM 87112-6205

Garcia/Kraemer & Associates
600 1st St NW, Suite 211
Albuquerque, NM 87102

PRAIRIE HILLS APARTMENTS
ALBUQUERQUE LLC
PO BOX 4218
TUBAC AZ 85646-4218

Garcia/Kraemer & Associates
600 1st St NW, Suite 211
Albuquerque, NM 87102

HAMLING JOSEPH M
13125 ALICE AVE NE
ALBUQUERQUE NM 87112

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Albuquerque, NM 87102

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PO BOX 4218
TUBAC AZ 85646-4218

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Albuquerque, NM 87102

ELLIOT SUSAN M C/O ELLIOT JOHN B
TRUSTEE ELLIOT RVT
13121 ALICE AVE NE
ALBUQUERQUE NM 87112-6203

Garcia/Kraemer & Associates
600 1st St NW, Suite 211
Albuquerque, NM 87102

GILL NANCY JO
PO BOX 50426
ALBUQUERQUE NM 87181-0426

Garcia/Kraemer & Associates
600 1st St NW, Suite 211
Albuquerque, NM 87102

PAIZ PATRICIA B
2236 DURAND RD SW
ALBUQUERQUE NM 87105

Garcia/Kraemer & Associates
600 1st St NW - Suite 211
Albuquerque, NM 87102

SILVA RICHARD & NADINE M SILVA &
FRANK & CECILIA F CASTRO
8132 FIRESTONE BLVD SUITE 302
DOWNEY CA 90241-4231

Garcia/Kraemer & Associates
600 1st St NW - Suite 211
Albuquerque, NM 87102

SANCHEZ RICHARD ARTHUR & PATRICIA
LYNN TRUSTEES SANCHEZ LVT
7517 SILVER LAKE DR
ROWLETT TX 75089-8647

Garcia/Kraemer & Associates
600 1st St NW - Suite 211
Albuquerque, NM 87102

MCDONALD AILEAN TRUSTEE MCDONALD
TRUST
13127 ALICE AVE NE
ALBUQUERQUE NM 87112-6203

Garcia/Kraemer & Associates
600 1st St NW, Suite 211
Albuquerque, NM 87102

KOSHKAREVA ELENA
4509 SKYLINE CT NE
ALBUQUERQUE NM 87111-3001

Garcia/Kraemer & Associates
600 1st St NW, Suite 211
Albuquerque, NM 87102

FLISS MARTIN
PO BOX 93724
ALBUQUERQUE NM 87199

Garcia/Kraemer & Associates
600 1st St NW, Suite 211
Albuquerque, NM 87102

GRAVELINE DEBRA S
13118 ALICE AVE NE
ALBUQUERQUE NM 87112-6204

Garcia/Kraemer & Associates
600 1st St NW, Suite 211
Albuquerque, NM 87102

BHOPALE APOORVA I
13501 SUNSET CANYON DR NE
ALBUQUERQUE NM 87111-3056

Garcia/Kraemer & Associates
600 1st St NW, Suite 211
Albuquerque, NM 87102

GIFFIN PATSY RUTH
13128 ALICE AVE NE
ALBUQUERQUE NM 87112-6204

Garcia/Kraemer & Associates
600 1st St NW, Suite 211
Albuquerque, NM 87102

CHARTER SCHOOLS SOLUTIONS
9555 W SAM HOUSTON PKWY SO SUITE
200
HOUSTON TX 77099

Garcia/Kraemer & Associates
600 1st St NW, Suite 211
Albuquerque, NM 87102

CLARKE SHARON L
PO BOX 51206
ALBUQUERQUE NM 87181-1206

Garcia/Kraemer & Associates
600 1st St NW, Suite 211
Albuquerque, NM 87102

LOVING WILLIAM B JR & JANICE K
8715 LA SALA GRANDE NE
ALBUQUERQUE NM 87111-4560

Garcia/Kraemer & Associates
600 1st St NW, Suite 211
Albuquerque, NM 87102

PARDINI CARLOTTA M TRUSTEE PARDINI
RVT
4715 MASSACHUSETTS AVE NW
WASHINGTON DC 20016

Garcia/Kraemer & Associates
600 1st St NW, Suite 211
Albuquerque, NM 87102

JASONS HOUSE LLC
11716 WOODMAR LN NE
ALBUQUERQUE NM 87111

Garcia/Kraemer & Associates
600 1st St NW - Suite 211
Albuquerque, NM 87102

TOMITA SUSAN K
13202 ALICE AVE NE
ALBUQUERQUE NM 87112-6205

Garcia/Kraemer & Associates
600 1st St NW, Suite 211
Albuquerque, NM 87102

KRUTZ LISA TRUSTEE KRUTZ RVT
PO BOX 51434
ALBUQUERQUE NM 87181-1434

Garcia/Kraemer & Associates
600 1st St NW - Suite 211
Albuquerque, NM 87102

SOLOMON NOELLE
13123 ALICE AVE NE
ALBUQUERQUE NM 87112-6203

Garcia/Kraemer & Associates
600 1st St NW - Suite 211
Albuquerque, NM 87102

WIDINSKI KAREN D
4441 ROXBURY NE
ALBUQUERQUE NM 87111

Garcia/Kraemer & Associates
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Albuquerque, NM 87102

SAVAGE JAMES P
13122 ALICE AVE NE
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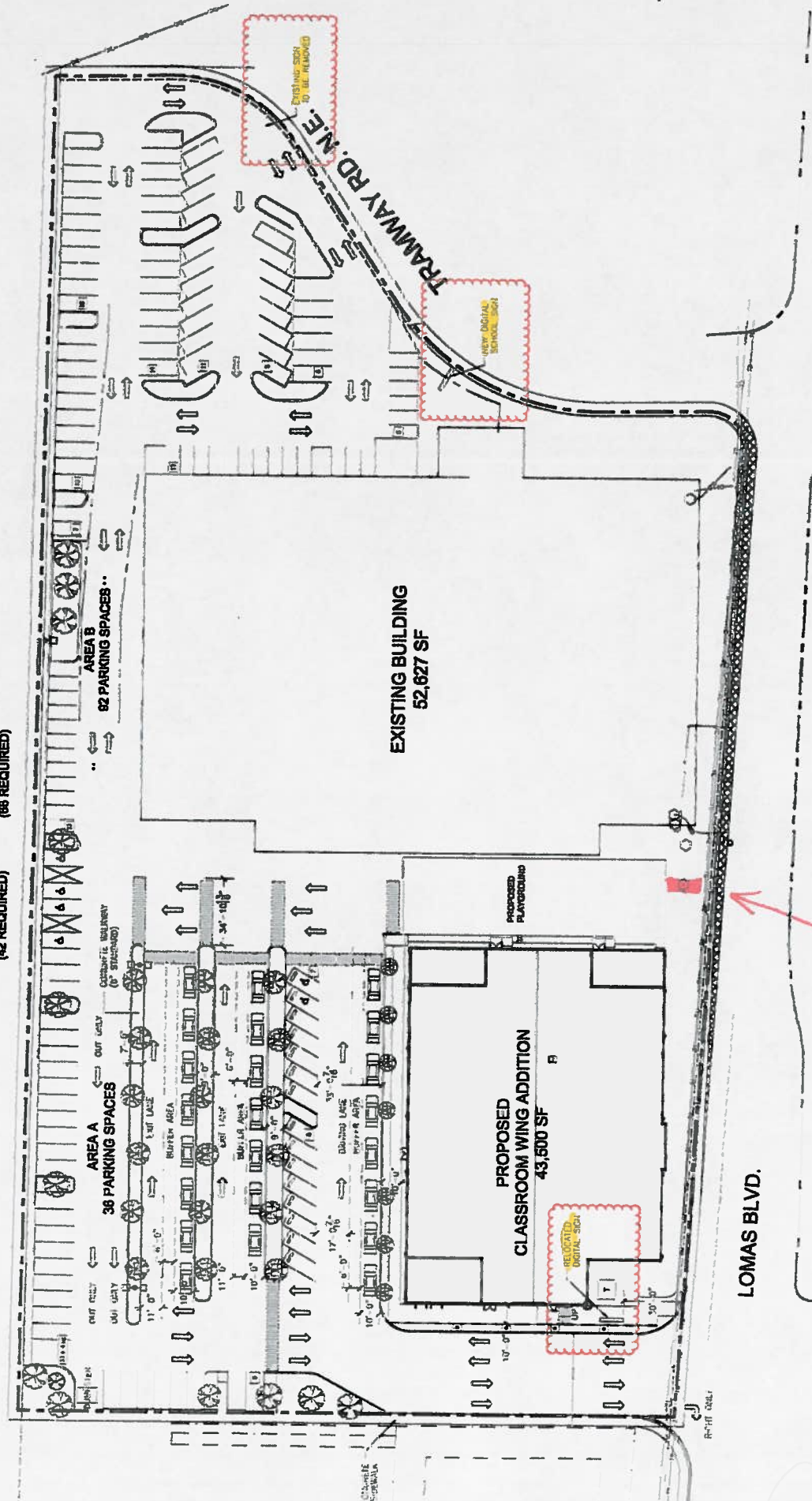
Garcia/Kraemer & Associates
600 1st St NW, Suite 211
Albuquerque, NM 87102

QUERBACH LAWRENCE L & YVETTE
2600 CHELWOOD PARK BLVD NE
ALBUQUERQUE NM 87112-1911

142 TOTAL
PARKING SPACES
(108 REQUIRED)

AREA A
50 PARKING SPACES
(42 REQUIRED)

AREA B
92 PARKING SPACES
(88 REQUIRED)



*proposed new
location*

LOMAS BLVD.

TRAMWAY RD. N.E.

EXISTING BUILDING
52,627 SF

PROPOSED CLASSROOM WING ADDITION
43,600 SF

PROPOSED PLAYGROUND

RELOCATED DIGITAL SIGN

RELOCATED DIGITAL SIGN

EXISTING DIGITAL SIGN

EXISTING SIGN TO BE REMOVED

RELOCATED DIGITAL SIGN

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D/F L.E.D. ILLUMINATED POLE SIGN WITH DIGITAL BOARD
 6' X 20' L.E.D. ILLUMINATED FLEX FACE CABINET
 DIGITALLY PRINTED FLEX FACE
 CABINET/RETAINER PAINTED BLACK
 NEW D/F 10MM FULL COLOR DISPLAY
 48" POLE COVER PAINTED BLACK

ALL DIMENSIONS SHOWN ARE REPRESENTATIONAL ONLY. SEE MATERIAL SAMPLES FOR ACTUAL COLORS.

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SignArt
 OF NEW MEXICO, INC.

505-344-0872

SCALE: 1/4"=1'
 SKETCH NO: 61570 6-3-20
 SALES: J MORENO
 APPROVAL:

REV: 00

GARCIA/KRAEMER & ASSOCIATES 600 1ST St NW Suite 211

Albuquerque, NM 87102

(505) 440-1524 office

November 2, 2020

Mr. Robert Lucero, Esq.
Zoning Hearing Examiner
Planning Department
P.O. Box 1293
Albuquerque, New Mexico 87103

RE: 13201 Lomas Blvd NE

Dear Mr. Lucero:

This is a request for approval of a Special Exception, pursuant to section 14-16-6-6(N) of the Albuquerque Integrated Development Ordinance to allow for a proposed electronic LED sign at the above referenced address. Attached with this application is a site plan that clearly indicates the location of the proposed sign. The variance hereby being requested with this application is as follows:

1. A variance of 120 feet to the minimum required 660 ft. (1/8 mile) distance from the outer edge of Tramway Blvd. right-of-way -for a proposed electronic sign.

-Reference section 14-16-5-12(H)(2)(c) of the Integrated Development Ordinance (IDO).

Background

The subject property is home to the Albuquerque School of Excellence 4.99 AC campus. The school currently occupies 2 main buildings with approximately 96,000 square feet of total building area. The property is located within the city limits and is zoned MX-M, Mixed-Use Moderate Intensity. Since purchasing the property, the owners- Charter Schools Solutions, have been renovating and transforming the old Albertson's grocery store into a modern and successful K thru 12 college prep, tuition-free, Charter School. The school recently completed construction of a new 2 story 43,500 square foot building to accommodate the school's successful growth. All related improvements and infrastructure have been completed with the campus expansion, and now the school is nearing completion of a total renovation of the original Albertson's building that was built in 1995.

Adjacent Land Uses and Zoning

The site is located off of Tramway Rd NE on Lomas Blvd NE on the north side of the road. The property is located on zone atlas map page K-22 and is within an Area of Change in the Comprehensive Plan. The land use and zoning of adjacent properties is both commercial and moderate density residential townhomes and multi-family, the US Post Office is directly to the West and the Lomas Tramway Public Library is to the South of the school.

Reason for Request

As mentioned above, the school is currently continuing to make improvements to the campus and property. One of the last projects left to complete is the relocation and upgrading of the schools free-standing sign. The upper main portion of the new sign is proposed to be a 120 square foot static (non-electronic) sign, and below the static sign the school would like to install a 55 square foot electronic sign for school messages and time/temperature display. However, due to the physical layout of the school campus buildings, parking lot, and new playground, the sign location is most logical and practical to be located between the 2 buildings and in front of the children's playground. Unfortunately, although located on Lomas not Tramway, the large static sign is permissive but the smaller electronic sign is location is within the 660 ft. Tramway electronic sign buffer which does not allow it. Based on the shape and size of the subject lot and the location of the existing reclaimed grocery store building, a variance of 120 ft. to the 660 ft. distance away from Tramway Blvd. is required. Every effort was made by the architects to locate the sign in an area that would provide visibility but would not impact traffic circulation or hinder clearances with the building.

A variance application shall be approved by the Zoning Hearing Examiner, 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;

There are special circumstances which are applicable to the subject property for the following reasons:

1. The location and size of the property are unique since the parcel is the largest commercially zoned property in the vicinity and it does not abut Tramway Blvd NE but in fact it abuts Tramway Rd. to the East which is a stub street off of Tramway Blvd.
2. There are also special circumstances applicable to the subject property since: a) the original location of the school's entrance and historical layout of the site is oriented towards Lomas Blvd, which allows electronic signs without a distance from R.O.W. restriction like Tramway Blvd. b) The lot is not square and is widest at the east along

Tramway Rd. (approx. 365'), then becomes narrower going to the west end of the lot (approx. 325')

(2)- The Variance will not be materially contrary to the public safety, health, or welfare;

The variance, if approved, will allow the school to use the digital sign as a beneficial tool to inform students, parents, and the general public with important and useful information. A large school such as the Albuquerque School of Excellence can especially benefit from the ability use the message center because hundreds of children, staff, and parents can be informed in an instant and from a long distance away. We believe that these benefits will help contribute to public safety and the safety of students and staff by being able to quickly and efficiently display critical information during an emergency when time is of the essence or health is at stake. For these reasons, health and welfare will also be improved and strengthened with this request and approval of the variance, especially now with the COVID-19 immediate response measures that the school employs and takes very seriously. It is important to note that public safety, health and welfare are of utmost importance to the operation of a school, and The Albuquerque School of Excellence is no exception.

(3)- The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity;

As stated above, approval of the variance requested will allow the school to relay important messages and communications on the school campus and to the general public. We believe that the use of modern day technology through electronic signage will have positive impacts on surrounding properties because of the benefits of providing information. Finally, it also important to note that the infrastructure improvements in this area have been completed and are established; therefore we do not believe be there to be adverse impacts when there are no infrastructure improvements that could be impacted.

(4)- The Variance will not material undermine the intent and purpose of this IDO or the applicable zone district;

The variance will not material undermine the intent and purpose of the IDO or the applicable zone district. In fact, the variance, will as stated above, allow the school to make continued improvements to the property which furthers the purpose and intent of the IDO since the request will:

1. Protect the quality and character of residential neighborhoods.
 - The school's investment in redeveloping and renovating their property is intended to create a safer, better-quality campus environment for the school with the intent of complying with all electronic sign regulations and controls if approved. Compliance with the IDO sign regulations will help ensure the protection of the quality and character of residential neighborhoods.
2. Provide for the efficient administration of City land use and development regulations.

-If the variance is granted, the proposed sign is to be submitted for approval through the Planning Department's development approval process. It is the applicant's intention to maintain compliance with all other regulations and standards of the IDO and the Building Code.

3. Protect the health, safety, and general welfare of the public.

-As mentioned directly above, this project will be Code Compliant with all City requirements which will help promote and improve the health, safety, and general welfare of the public since the current day sign regulations were written to provide these protections for the public.

4. Provide reasonable protection from possible nuisances and hazards and to otherwise protect and improve public health.

-For the reasons previously stated above, the school's intentions are to utilize the electronic sign to improve and protect public health -especially during the Covid-19 pandemic.

5. Ensure that all development in the City is consistent with the spirit and intent of any other plans and policies adopted by City Council.

-As mentioned above, compliance with all other sign regulations will promote consistency with the spirit of the IDO and other applicable regulations that have been adopted by City Council.

(5)- The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties;

If approved, the variance requested will relieve the unnecessary hardship on the current owners of being able to install a relatively small electronic sign on their property. The amount of variance being sought is the minimum necessary to overcome the practical difficulties; since, there is no other area on the property to logically place a free-standing sign because of the more narrow width of the lot at the West side of the property. Finally, the sign location as proposed will allow it to not be blocked from view by the buildings and will allow it to be seen and read more easily by passersby, parents, students, staff and motorists on Lomas Blvd. Locating the sign further West outside of the buffer would not be practical because it would have to be located in the parking area or worse, the busy student drop-off entrance/exit area would be compromised. A variance approval would be the minimum necessary to avoid extraordinary hardship - and- practical difficulties.

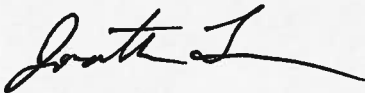
Neighborhood Notification

The Embudo Canyon N.A. and the East Gateway Coalition of Neighborhoods were notified of this application and offered a meeting. Additionally, we offered to discuss the variance request by email or telephone in case the Coalition or Association had questions or concerns. As of this date no communication has been received from the Embudo Canyon N.A. nor the East Gateway Coalition.

Conclusion

Therefore, for the reasons stated above, we respectfully request that the Zoning Hearing Examiner approve this application for the variance requested. Approval of this request will enable the Albuquerque School of Excellence to make a reasonable use of their property while also enhancing the current site within the neighborhood with a more functional sign that is capable of providing a variety of useful information for the school and the general public. Furthermore, approval of the variance would help "level" the playing field by allowing an exception for a Charter school to have an electronic sign that would otherwise be permissive on any APS school property without a variance, since State of NM (Board of Education) properties are not subject to these regulations. We also believe that the proposed variance is not in conflict with area plans or policies but in fact is in harmony and within the intent and spirit of the Albuquerque Integrated Development Ordinance. Thank you for your time and consideration in this matter.

Sincerely,



Jonathan Turner

Garcia/Kraemer and Associates

SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the Integrated Development Ordinance are responsible for the posting and maintaining of one or more signs on the property which is subject to the application, as shown in Table 6-1-1. Vacations of public rights-of-way (if the way has been in use) also require signs. Waterproof signs are provided at the time of application for a \$10 fee per sign. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign(s).

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to any public meeting or hearing. Failure to maintain the signs during this entire period may be cause for deferral or denial of the application. Replacement signs for those lost or damaged are available from the Development Services Front Counter.

1. LOCATION

- A. The sign shall be conspicuously located. It shall be located within twenty feet of the public sidewalk (or edge of public street). Staff may indicate a specific location.
- 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 are best for attaching signs to a post or backing; the sign tears out less easily.

4. TIME

Signs must be posted from NOV 30, 2020 To DEC 15, 2020

5. REMOVAL

- A. The sign is not to be removed before the initial hearing on the request.
- B. The sign should be removed within five (5) days after the initial hearing.

I have read this sheet and discussed it with the Development Services Front Counter Staff. I understand (A) my obligation to keep the sign(s) posted for (15) days and (B) where the sign(s) are to be located. I am being given a copy of this sheet.

Jonathan J
(Applicant or Agent)

11/10/20
(Date)

I issued 1 signs for this application, NOV 4, 2020, Charles Meestas
(Date) (Staff Member)

PROJECT NUMBER: PR-2020-004669/VA-2020-00386



CITY OF ALBUQUERQUE INVOICE

GARCIA/KRAEMER & ASSOCIATES

600 1ST ST NW STE. 211

Reference NO: VA-2020-00386

Customer NO: CU-117286649

Date	Description	Amount
11/04/20	Application Fee	\$210.00

Due Date: 11/04/20

Total due for this invoice:

\$210.00

Options to pay your invoice:

1. Online with a credit card: <http://posse.cabq.gov/posse/pub/lms/Default.aspx>
2. In person: Plaza Del Sol, 600 2nd St. NW, Albuquerque, NM 87102

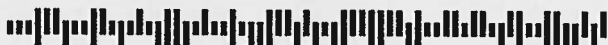
PLEASE RETURN THE BOTTOM PORTION OF THIS INVOICE NOTICE WITH PAYMENT



City of Albuquerque
PO Box 1293
Albuquerque, NM 87103

Date: 11/04/20
Amount Due: \$210.00
Reference NO: VA-2020-00386
Payment Code: 130
Customer NO: CU-117286649

GARCIA/KRAEMER & ASSOCIATES
600 1ST ST NW STE. 211
ALBUQUERQUE, NM 87102



130 0000VA202000386001025467123903290000000000000021000CU117286649



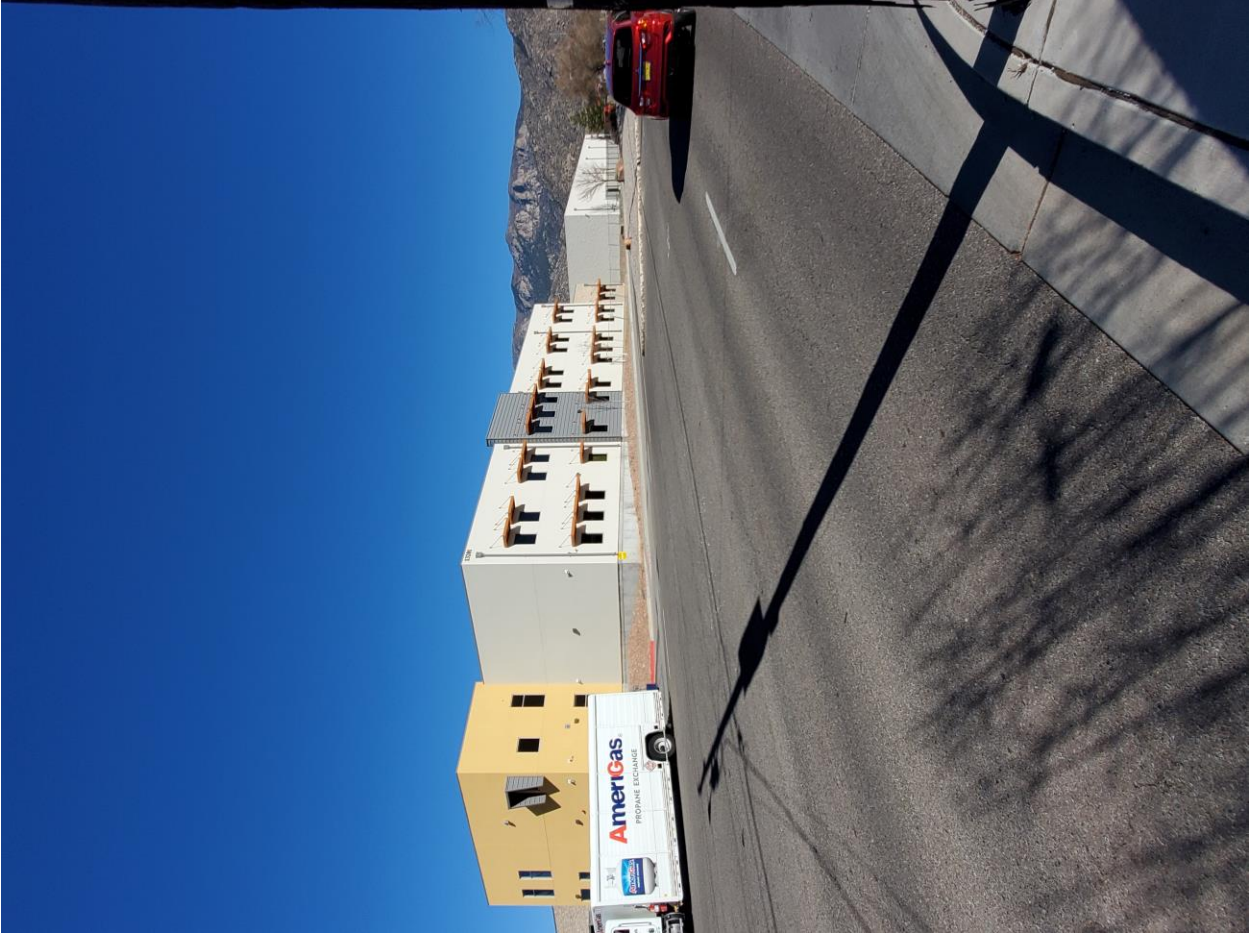




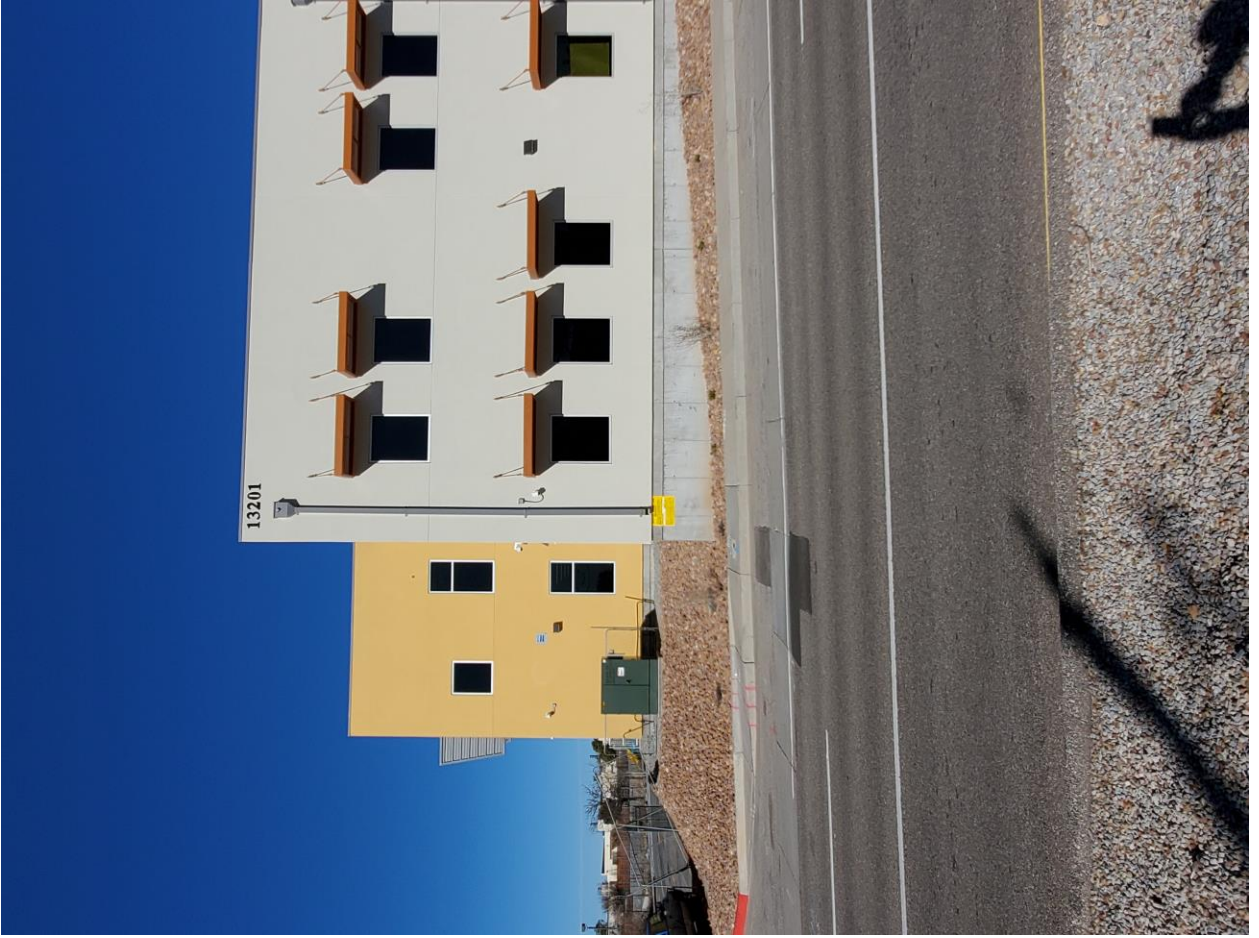




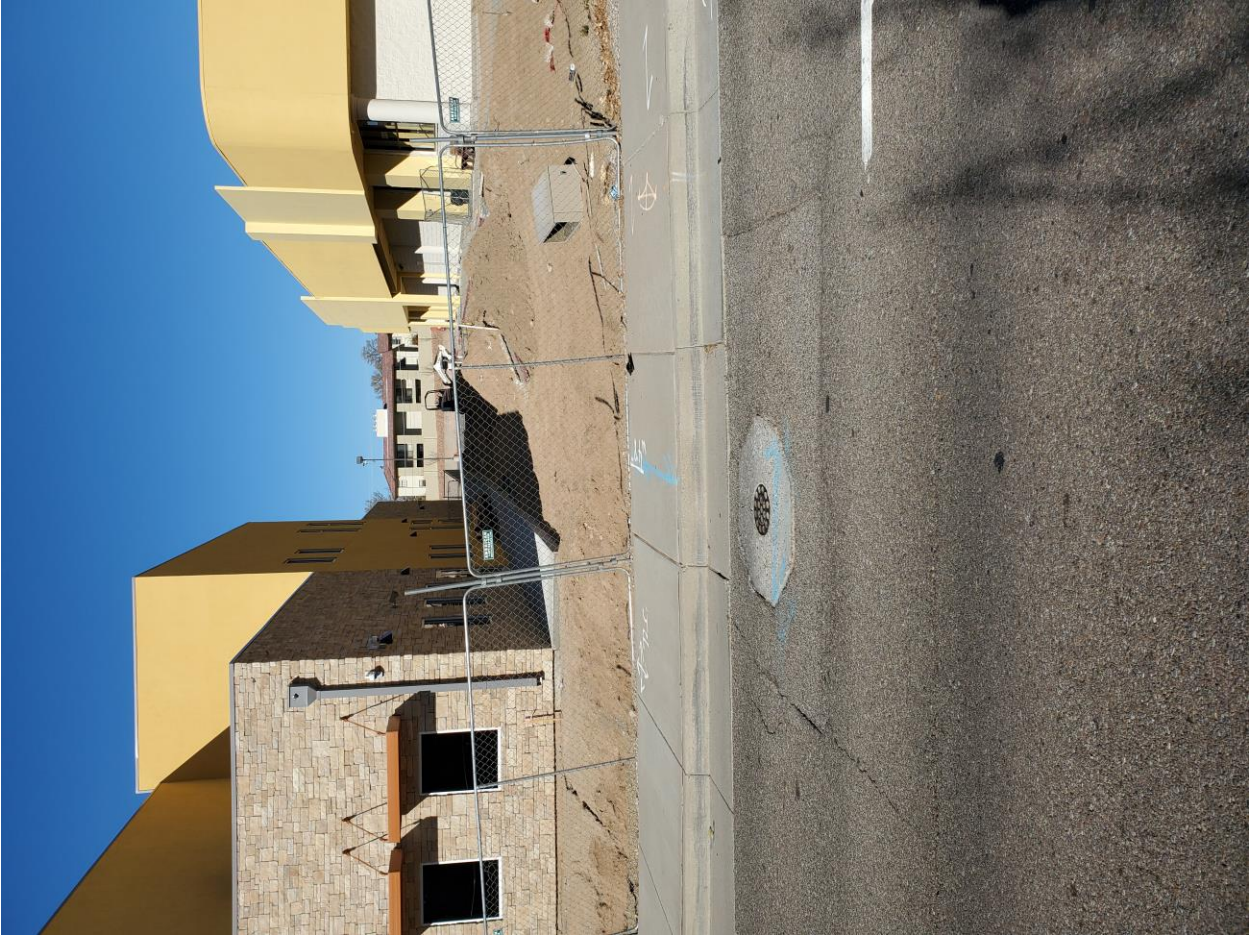












CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
INTER-OFFICE MEMORANDUM

December 8, 2020

To: Lorena Patten-Quintana, ZHE Planner

From: Matt Grush, P.E. Senior Engineer

Subject: COMMENTS FOR THE ZHE HEARING OF December 15, **2020**

The Transportation Development Review Services Section has reviewed the zone hearing requests, and submits the attached comments.

VA-2020-00386

PR-2020-004669

Address: 13201 Lomas Blvd. NE

Transportation Review: No objections

After review of the provided application, Transportation has no objection to the variance request for an electronic sign.

City of Albuquerque ZHE – December 15, 2020

Agenda Item #23

VA-2020-00386

PR-2019-004669

Charter Schools Solutions (Agent, Garcia/Kraemer & Associates) requests a variance of 120 feet to the minimum required 660-foot distance from the outer edge of Tramway Blvd right of way for a proposed electronic sign for Lot E1A2, Panorama Heights Addn, located at 99999 Lomas BLVD NE, zoned MX-M [Section 14-16-5-12(H)(2)(c)]

Ownership: Owner: CHARTER SCHOOLS SOLUTIONS

Zone District/Purpose: 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

Allowable Use: n/a

Applicable Comp Plan Designation(s): Area of Change; Lomas MT

Applicable Overlay Zones: None listed

Applicable Use-Specific Standard(s): n/a

Applicable Dimensional/Development Standards:

5-12(H)(2) Prohibited Areas

Electronic signs are prohibited in the following areas, as noted.

5-12(H)(2)(c) Within 660 feet of the outer edge of the public right-of-way of the following streets: 4. Tramway Boulevard.

Old Code: 5-12(H)(2)(c) Electronic signs are prohibited within 1/8 mile (660 feet) of the outer edge of the right-of-way of the following streets: Alameda Boulevard, Griegos Road, Rio Grande Boulevard, Tramway Boulevard, and Unser Boulevard.

Traffic Recommendations: No objection

Planning Recommendation: This matter should proceed to a public hearing where the Zoning Hearing Examiner will hear additional evidence and make a written decision pursuant to applicable provisions of Section 14-16-6-4.





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

Charter Schools Solutions (Agent, Garcia/Kraemer & Associates) requests a variance of 120 feet to the minimum required 660-foot distance from the outer edge of Tramway Blvd right of way for a proposed electronic sign for Lot E1A2, Panorama Heights Addn, located at 99999 Lomas BLVD NE, zoned MX-M [Section 14-16-5-12(H)(2)(c)]

Special Exception No:..... **VA-2020-00386**
Project No: **Project#2020-004669**
Hearing Date: 12-15-20
Closing of Public Record: 12-15-20
Date of Decision: 12-30-20

On the 15th day of December, 2020, Garcia/Kraemer & Associates, agent for property owner Charter Schools Solutions (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 120 feet to the minimum required 660-foot distance from the outer edge of Tramway Blvd right of way for a proposed electronic sign (“Application”) upon the real property located at 99999 Lomas BLVD NE (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 120 feet to the minimum required 660-foot distance from the outer edge of Tramway Blvd right of way for a proposed electronic sign.
2. The City of Albuquerque Integrated Development Ordinance, Section 14-16-6-6(N)(3)(a) (Variance-Review and Decision Criteria) 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 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. 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 the IDO or the applicable zone district.*
 - (5) *The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.*”
3. The Applicant has authority to pursue this Application.

4. Applicant bears the burden of ensuring there is evidence in the record supporting a finding that the above criteria are met under Section 14-16-6-4(N)(1).
5. Agent appeared and gave evidence in support of the application.
6. All property owners within 100 feet of the subject property and the affected neighborhood association were notified.
7. The subject property is currently zoned MX-M.
8. Section 14-16- 5-12(H)(2)(c) specifically prohibits electronic signs within 660 feet of the outer edge of Tramway.
9. Approval of the variance would materially undermine the intent and purpose of the IDO.
10. Given that criterion (4) in Section 14-16-6-6(N)(3)(a) (Variance-Review and Decision Criteria) has not been satisfied, the variance must be denied, and it is therefore unnecessary to examine any other element required to establish a variance.

DECISION:

DENIAL of a variance of 120 feet to the minimum required 660-foot distance from the outer edge of Tramway Blvd right of way for a proposed electronic sign.

APPEAL:

If you wish to appeal this decision, you must do so by January 15, 2021 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 decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for any related building permit or occupation tax number. Approval of a conditional use or a variance application is void after one year from date of approval if the rights and privileges are granted, thereby have not been executed, or utilized.



Robert Lucero, Esq.
Zoning Hearing Examiner

cc:

ZHE File
Zoning Enforcement
Garcia/Kraemer & Associates, jct473@gmail.com



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

Charter Schools Solutions (Agent, Garcia/Kraemer & Associates) requests a variance of 120 feet to the minimum required 660-foot distance from the outer edge of Tramway Blvd right of way for a proposed electronic sign for Lot E1A2, Panorama Heights Addn, located at 99999 Lomas BLVD NE, zoned MX-M [Section 14-16-5-12(H)(2)(c)]

Special Exception No:..... **VA-2020-00386**
Project No: **Project#2019-003219**
Hearing Date: 12-15-20
Closing of Public Record: 12-15-20
Date of Decision: 12-30-20

On the 15th day of December, 2020, Garcia/Kraemer & Associates, agent for property owner Charter Schools Solutions (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 120 feet to the minimum required 660-foot distance from the outer edge of Tramway Blvd right of way for a proposed electronic sign (“Application”) upon the real property located at 99999 Lomas BLVD NE (“Subject Property”). Below are the ZHE’s finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 120 feet to the minimum required 660-foot distance from the outer edge of Tramway Blvd right of way for a proposed electronic sign.
2. The City of Albuquerque Integrated Development Ordinance, Section 14-16-6-6(N)(3)(a) (Variance-Review and Decision Criteria) 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 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. 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 the IDO or the applicable zone district.*
 - (5) *The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.*”
3. The Applicant has authority to pursue this Application.

4. Applicant bears the burden of ensuring there is evidence in the record supporting a finding that the above criteria are met under Section 14-16-6-4(N)(1).
5. Agent appeared and gave evidence in support of the application.
6. All property owners within 100 feet of the subject property and the affected neighborhood association were notified.
7. The subject property is currently zoned MX-M.
8. Section 14-16- 5-12(H)(2)(c) specifically prohibits electronic signs within 660 feet of the outer edge of Tramway.
9. Approval of the variance would materially undermine the intent and purpose of the IDO.
10. Given that criterion (4) in Section 14-16-6-6(N)(3)(a) (Variance-Review and Decision Criteria) has not been satisfied, the variance must be denied, and it is therefore unnecessary to examine any other element required to establish a variance.

DECISION:

DENIAL of a variance of 120 feet to the minimum required 660-foot distance from the outer edge of Tramway Blvd right of way for a proposed electronic sign.

APPEAL:

If you wish to appeal this decision, you must do so by January 15, 2021 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 decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for any related building permit or occupation tax number. Approval of a conditional use or a variance application is void after one year from date of approval if the rights and privileges are granted, thereby have not been executed, or utilized.



Robert Lucero, Esq.
Zoning Hearing Examiner

cc:

ZHE File
Zoning Enforcement
Garcia/Kraemer & Associates, jct473@gmail.com



**Hearing on Special Exceptions
to the Integrated Development Ordinance**

MINUTES

December 15, 2020

600 2nd St NW, Albuquerque, NM 87102

CITY STAFF PRESENT:

Robert Lucero – Zoning Hearing Examiner

Lorena Patten-Quintana – ZHE Planner, Planning Department

Suzie Sanchez – Hearing Monitor

VA-2020-00386
PR-2019-003219
Charter Schools Solutions
Agent: Garcia/Kraemer & Associates

ZHE: I understand that you're the agent for the next agenda item as well. That's agenda item number 23, VA-2020-00386, project number PR-2020-004669, Charter School Solutions, agent, Garcia/Kraemer and Associates, request a variance of 120 feet to the minimum required 660-foot distance from the outer edge of Tramway Blvd right of way for a proposed electronic sign for Lot E1A2, Panorama Heights Addn, located at 99999 Lomas BLVD NE, zoned MX-M. And, I'll note for the record that Mr. Turner, Johnathan Turner has already been sworn in. Go ahead Mr. Turner, five minutes, please.

JOHNATHAN TURNER: Thank you, Mr. Lucero. Johnathan Turner, agent on behalf of Charter School Solutions for the variance request.

ZHE: Mr. Turner? Something changed on your end. Your voice sounds a little distorted.

JOHNATHAN TURNER: Okay.

ZHE: I just want to make sure we have a clean recording for the record. Let's see, it looks like you're muted there.

JOHNATHAN TURNER: There we go. Does this sound any better or different? Or is it the same?

ZHE: It's a little clearer but it's still - - it's sort of like you're talking - - I don't know - - it's like a very thin - - but I can understand you clearly.

JOHNATHAN TURNER: Okay, if you need me to repeat myself, please let me know.

ZHE: Okay, I sure will.

JOHNATHAN TURNER: Okay. I - - Of course, I can't hear myself so, I don't know. So, just let me know. So, this, this request, Mr. Lucero, is for the Charter School Solutions which owns and operates this school of, Albuquerque School of Excellence. There is actually an address on the property, it's 13201 Lomas Boulevard Northeast. That is the address known to the public for the Albuquerque School of Excellence. The City GIS has half of the property on a different City parcel and so the - - that is the reason why there is no address, because the Zoning office decided to use the unaddressed parcel. And, so, this is known under 13201 Lomas Boulevard Northeast and the variance is for 120 feet distance, a variance to the minimum eighth mile or 660 feet distance from the edge of the right-of-way from Tramway for a proposed electronic sign. The site plan that was submitted along with the elevation of the sign does show the proposed sign and the electronic sign that is just below the static sign that will be installed by the school. The property is actually on the corner of Lomas and Tramway, I believe it is Road. It's not actually on Tramway but we are subject to those regulations and therefore we're asking for a variance to that distance. The property does have special circumstances as addressed in the justification letter. Mainly, as we discussed, the size of the lot and also the shape of it as it becomes more narrow moving towards the main entrance of the property, which is where the sign location is

proposed; we believe does create a hardship and in addition, the photos that were submitted for the record, I'm hoping you got those, Mr. Lucero?

ZHE: Yes.

JOHNATHAN TURNER: Those photos, where the yellow ZHE sign is posted onto the building, that is a new building that the school has built, you know, for the students, for the school expansion. That building flanks one side of the playground and the other side of it is the old Albertson's Grocery Store. That was the previous use of the school building. That area in between - - and also, is also shown on the site plan, the playground, which is actually under construction, is the location for the sign. The owner/applicant could move the sign just to the 120-foot mark just to stay out of the 1/8 mile distance from Tramway, however, that puts the sign right in the entrance way, which is always been used off of Lomas, for the grocery store and now the school. That puts the sign right in that area and as explained in the justification letter, that does create a hardship because it, it wouldn't be a safe place to put the sign and it also wouldn't be as visible from Lomas Boulevard. So, as explained in the letter, the, the sign will comply with the IDO regulations for brightness, for a foot handle above natural ambient light, that I think is very important because the regulation that prohibits electronic signs from Tramway and other streets throughout the City - - the purpose for those regulations, that were done in the late, I think about 2010 or less - - City Council and a team from Planning created these regulations for electronic signs - - because at the time, and still currently, there are a lot of electronic signs for businesses that are extremely bright, they have a very bright colored background and when they turn those - - rather, turn a message on, that bright background comes up at you. At nighttime, it can be blinding. And, there were several signs prior to enacting the regulation against electronic signs that were dangerous and City Zoning had to enforce and have the brightness lowered to be in compliance and to not blind drivers. Tramway is, for the most part, a dark street at nighttime and so are the other streets that are regulated by this, the electronic sign regulation of a 1/8 mile. It is Rio Grande, Unser, Tramway, those streets historically and even currently are dark streets, And, so, when City Council and Planning got together and formed a task force to decide how they can control these, these blinding signs, there were problematic in certain areas of the City, especially on dark streets. The 1/8th mile regulation came into effect for an electronic sign. So, having said that, the proposed sign is fairly small, it's about 50 square feet and we do believe that we will comply, if the variance is approved with the intent of that ordinance and that is to have control of the sign and that can be done remotely by a computer. And, to not have it blinding to traffic, number one. And, also not to have fugitive light that affects neighboring properties. Most importantly is, for blinding traffic, I think that was the main concern when Planning and City Council got together and created these regulations but also fugitive light needs to be addressed and controlled. This proposed sign will be visible to traffic going up and down Lomas. You might be able to see it crossing the intersection of Lomas and Tramway, kind of with the blink of an eye, if you look down Lomas as you're going down Tramway. But, the intent is to have it facing and informing traffic on Lomas, which Lomas does not, is not a street that prohibits electronic signs within an 1/8th mile of the right-of -way. So, we

do believe that also with the special circumstances of the location of the lot, that, that helps further compliance and meeting the intent of the reasons why electronic signs in very dark areas on Tramway would not be allowed. There - - it is also important - -

ZHE: I have a question.

JOHNATHAN TURNER: Yes?

ZHE: First of all, I really appreciate the thorough submittal and your testimony and explanations today but, I had a question about the IDO and sort of your reading of it and submitting this application because you know, looking at 5-12(h)(2) Electronic Signs, Prohibited Areas, it says "Electronic signs are prohibited in the following areas." And so, I guess my question is, you know, can I give a variance to - - can a variance be granted to something that's prohibited? You know, it seems like it's a use prohibition, not a distance. Generally, when you think of a variance, it's a distance that's varied, not a use but I wanted to get your - - give you an opportunity to address that question and that point.

JOHNATHAN TURNER: Thank you, Mr. Lucero, and I think that's a good question. It - - and - - this has come up before. We worked on a case on an electronic sign on Rio Grande Boulevard, that was the first time that we got approved through a variance process for the 1/8th mile prohibition that I believe, I may be wrong on the address, I think it's 1050 Rio Grande Boulevard Northwest. If the address is wrong, it's the Best Western Hotel on Rio Grande and I-40. That was several years ago, we requested a variance and - - for a sign at that location - - very similar to the request being made today, that the sign could almost be located out of the, the 660 feet but not quite. I think my, you know, my answer to the question of whether or not you can get a variance to this regulation is that, you can because a variance, as you know, typically is to a dimensional standard and - - which is what we're requesting. But, more importantly, a variance shall never allow a use that is not allowed. So, a use should never be allowed via a variance. A sign is a use and the sign - - signs are allowed. This is a type of sign and - - but we do believe that since the use is allowed, a free-standing sign is allowed, that a variance can be requested and as, as we did for the, the hotel on Rio Grande, which was approved, we do think that that's something that can be approved. It's not changing the use of a property. It's the type of sign and a free-standing sign is allowed at this location and it also is allowed to be illuminated. So, illumination, again, can be too bright on a static sign. I think the difference between an electronic sign is that, you can change what the sign says or the message without having to remove letters and put different letters up or different images, what have you. But, there's still - - both signs, both signs - - they're still signs and they're still illuminated. One, in this case, the electronic sign can change remotely so, using a computer, sign company or the owner can make changes to that sign, including brightness and that's important because you can be in violation of the brightness of the sign, according to the IDO. So, that I think, in a nutshell, that's my answer. I believe it's - - this type of request is legal and it does comply with the IDO in regards to a variance and what a variance is. The use is not going to be changed with approval of a variance so the use of a sign - - the type of sign would - -

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ZHE: Could I ask you to address in a little more detail, the minimum necessary? Could you describe why this is the minimum necessary? The minimum variance necessary.

JOHNATHAN TURNER: Yes, as far as what we submitted for justification?

ZHE: Yes.

JOHNATHAN TURNER: Yes.

ZHE: It can't be - - why can't it be further I guess is the question.

JOHNATHAN TURNER: Oh, why can't the sign be further away?

ZHE: Yeah.

JOHNATHAN TURNER: From?

ZHE: From Tramway?

JOHNATHAN TURNER: From the right-of-way. Because - - I'm looking to see - - you should have a site plan that you can - -

ZHE: It looks like the - -

JOHNATHAN TURNER: Now if you look at the - -

ZHE: Between the two - -

JOHNATHAN TURNER: If you look at the submitted site plan...

ZHE: Yes.

JOHNATHAN TURNER: With the proposed location - - so if we move the sign, down further, down Lomas, that either interferes with the corner of the building, which if you reference the photos that we submitted showing the posted yellow ZHE sign - -

ZHE: Oh, yes.

JOHNATHAN TURNER: That is a very narrow area to place it in and moreover, the sign would conflict with the wall of the building and so, if we pull it back a little bit further, just past the corner, there's an L-shape there and that is a ponding area so, it is engineered as a large ponding area with rip, it's called rip-wrap I believe and so that's also a difficult place to put it and it would be blocked by the building. If we move it a little bit further, we are in the ingress, egress of the, the school. So, there's, there's, I believe there's four lanes right there for traffic to come in and out of for the school, so that's not a good area. And then, we get to the property line for the post office so, those areas could be - - I'm not sure if they could be reconfigured for the amount of traffic that's required to enter and exit right there. But, again, if we're closer to the corner of the building, it interferes with the building itself. And, there's really not room to put a free-standing sign for the - - the static sign which is the School of Excellence sign and then the

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smaller, electronic sign below. There's just not enough room, so. The playground is the first logical place to put it and it does allow visibility mostly from traffic going east bound on Lomas.

ZHE: Yes.

JOHNATHAN TURNER: It's actually somewhat blocked a little bit by the old Albertson's building, looking at the site plan, so. You know, we think a variance would be the minimum necessary to overcome the hardship of moving that sign or tearing up the entrance and exit for the school.

ZHE: Good. Thank you, Mr. Turner. Let's do this, because I feel like you've been very thorough in your submittals and I appreciate your testimony today. Let's call for public comment and then we'll give you another chance to respond if anyone likes to add any testimony.

JOHNATHAN TURNER: Thank you.

ZHE: So, thank you, Mr. Turner. So, again, everyone, this is agenda item 23, Charter Schools Solutions requesting a variance for a proposed electronic sign and it's noticed as a Lomas address but it also has an address of, I'm sorry, 99999 but it has an address of 13201 Lomas. Please raise your hand if you're here to speak on that matter. Again, this is agenda item 23. I'm scrolling through the participant list and I don't see anyone raising their hand. Last call for agenda item 23. Okay, Mr. Turner, it doesn't look like anyone's here to put - - add any public comment. I'll just give you one more minute if you had any last thing because I kind of felt like I cut you off there.

JOHNATHAN TURNER: No, you didn't. Thank you. Mr. Lucero, I just want to mention that you know, looking closely at this property, having gone out there and visited it and seeing those physical obstacles that are prohibiting us and moving the sign to a workable location helps me, for one, understand what it's like to be there, kind of what it would be like to live across the street from that school. The recent addition is architecturally - - it, it's beautiful, it's - - I think the school has done a great job in revitalizing the old Albertson's Grocery Store and they're, really successful with the school. It's a college prep school. It's - - They have a new building, they have new equipment. I think it benefits the public greatly by being there, you know. And, I have to look across the street and think about the neighbors that are gonna be really close to that sign and I just want to say for the record that most of the buildings across the street are multi-family and most of them have no windows on the wall that faces Lomas. So, it's just a blank wall. So, it's just a couple of units that do have some windows there, maybe even a balcony but the sign will be perpendicular to them. So, they probably won't be able to see it. Now, and I also want to mention, two neighbors called me, Patsy Griffith, I believe her name was and a lady that lives in the Quail Run Subdivision, that is just North of the school and they wanted to know where the sign would be facing and just a little more information and we talked and they did not express opposition to the sign. These are residents that live just to the North of the school. They did have concerns about the school ringing bells on Saturday's, that was kind of their biggest beef but they did understand that, how important a small message board like this can be for a

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school and we looked at APS on how they use theirs for time and temperature but also to say if there's an issue at the school or what the Covid status is, if it's closed or open. And, as explained in the letter, passing on that information to not only the public but the school, children and parents and staff is super important in this day in age because we never know what kind of an issue a school might have and you're not gonna know about it until maybe you watch the news at the end of the day. I think the benefits by having the sign to the school far out-weigh, you know, things about brightness, which will be controlled and would be in compliance. So, I just wanted to add that, that we did speak to two neighbors. I think we notified about 22 property owners and two called us and had those conversations. There was no opposition but we're certainly sensitive to the neighbors right across the street and most of them, again, rent an apartment and there's no windows. So, they can't see the sign.

ZHE: Thank you, Mr. Turner. I appreciate you following up with the neighbors.

ZHE PLANNER: Pardon me, Robert?

ZHE: Yes?

ZHE PLANNER: I did locate the property at 1015 Rio Grande. I remember that. It was in May of 2017. And, I sent you the Notice of Decision for that. It was - - I'm concerned about the prohibition and that one was to replace an existing legally non-conforming sign in a non-residential area. So, I just wanted to alert you that you should have the NOD in your email.

ZHE: Okay, thank you.

ZHE PLANNER: You're welcome.

ZHE: Mr. Turner, thank you for alerting us to that case.

JOHNATHAN TURNER: You're welcome.

ZHE: Very good. Well, you know, I appreciate the submittals and your testimony. We do have quite a few items on the agenda so, we're gonna go ahead and close the record on this one. Thank you, Mr. Turner, we'll take it under consideration and issue the written decision in 15 days.

JOHNATHAN TURNER: Thank you.

ZHE: Have a great day.

JOHNATHAN TURNER: You too.

ZHE: So, that concluded agenda item 23.

Planning Department
Brennon Williams, Interim Planning Director
Development Review Division
600 2nd Street NW – 3rd Floor
Albuquerque, NM 87102

NOTICE OF APPEAL

January 21, 2021

TO WHOM IT MAY CONCERN:

The Planning Department received an appeal on January 19, 2021. 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 Alfredo Ernesto Salas, Planning Administrative Assistant at (505) 924-3370.

Please refer to the enclosed excerpt from the City Council Rules of Procedure for Land Use Hearing Officer Rules of Procedure and Qualifications for any questions you may have regarding the Land Use Hearing Officer rules of 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 Crystal Ortega, Clerk to the Council, (505) 768-3100.

CITY COUNCIL APPEAL NUMBER: AC-21-2
PLANNING DEPARTMENT CASE FILE NUMBER:
PR-2019-003219, VA-2020-00386, VA-2021-00007

APPLICANT: Charter School Solutions
9555 W Sam Houston Pkwy
Suite 200
Houston TX, 77099

AGENT: Garcia Kramer & Assoc.
600 1st St. NW
Suite 211
Albuquerque NM, 87102

cc: Crystal Ortega, City Council, City county bldg. 9th floor
Kevin Morrow/Legal Department, City Hall, 4th Floor-
ZHE file
Mellia Walker, melliawalker@gmail.com
Charter Schools Solutions, mayic@abqse.org
Garcia Kramer & Associates, Jonathan Turner, jct473@gmail.com



ZONING HEARING EXAMINER'S AGENDA

TUESDAY, December 15, 2020 9:00 A.M.

Join Zoom Meeting

<https://cabq.zoom.us/j/7044490999>

Meeting ID: 704 449 0999

One tap mobile

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Dial by your location

+1 669 900 6833 US (San Jose)

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+1 346 248 7799 US (Houston)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

Meeting ID: 704 449 0999

Find your local number: <https://cabq.zoom.us/u/a2s7T1dnA>

*Robert Lucero, Esq., Zoning Hearing Examiner
Lorena Patten-Quintana, ZHE Planner
Suzie Sanchez, ZHE Administrative Assistant*

For Inquiries Regarding This Agenda, Please Call The Planning Dept. at (505) 924-3894.

PLEASE ADDRESS ALL CORRESPONDENCE TO:

Robert Lucero, Esq., Zoning Hearing Examiner at suzannasanchez@cabq.gov

NOTICE TO PEOPLE WITH DISABILITIES: If you have a disability and you require special assistance to participate in this hearing, please contact Planning Information at (505) 924-3860.

***INTERPRETER NEEDED:**

- | | | |
|------------------|----------------------------|---|
| 1. VA-2020-00362 | Project#
PR-2020-004598 | Arturo Rocha requests a permit to allow a carport in the required front setback closer than 3 feet for Lot 22-P1, Block 1, El Rancho Grande 1 UNIT 1B, located at 1855 Shadowcast DR SW, zoned PD [Section 14-16-5-5(F)(2)(a)3] |
| 2. VA-2020-00363 | Project#
PR-2020-004598 | Arturo Rocha requests a permit to allow a carport in the required front setback for Lot 22-P1, Block 1, El Rancho Grande 1 UNIT 1B, located at 1855 Shadowcast DR SW, zoned PD [Section 14-16-5-5(F)(2)(a)3] |

3. VA-2020-00376 Project# PR-2020-004646 Maria Gaytan requests a variance of 3 feet to the 3 foot maximum wall height for Lot 9, Bobb Addn, located at 131 La Plata Rd NW, zoned R-ML [Section 14-16-5-7-D]

OLD BUSINESS:

4. VA-2020-00318 Project# PR-2020-004477 Genevieve/Rose Corona request a variance of 2 feet to the 3 feet maximum wall height for Lot 85, McDonald Acres Unit 4, located at 1027 Woodland Ave NW, zoned R-1D [Section 14-16-5-7-D]
5. VA-2020-00333 Project# PR-2020-004499 Anzhelika Lytvynova requests a variance of 3ft to the 3ft maximum wall height for Lot 138A3, Valle Alto Addn, located at 1201 Aztec RD NW, zoned MX-L [Section 14-16-5-7-D]

NEW BUSINESS:

6. VA-2020-00327 Project# PR-2020-004494 Cheryl Albertelli requests a conditional use to allow a family home daycare for Lot 10, Block 2, El Solindo Replat Of, located at 11820 Fulmer DR NE, zoned R-1C [Section 14-16-4-3(F)(7)]
7. VA-2020-00351 Project# PR-2020-004574 Rebecca Rosales (Agent, Gilbert Austin) requests a permit to allow a carport in the required front and side yard setbacks for Lot 11, Block 3, Oxsheer Heights Addn, located at 9830 McKnight Ave NE, zoned R-1C [Section 14-16-5-5(F)(2)(a)3]
8. VA-2020-00352 Project# PR-2020-004575 Sheila Ames (Agent, Gilbert Austin) requests a permit to allow a carport in the required front yard setback for Lot 1, Block 18, Princess Jeanne Park Addn, located at 1236 Morris St NE, zoned R-1B [Section 14-16-5-5(F)(2)(a)3]
9. VA-2020-00358 Project# PR-2020-004585 Larry Seebinger requests a variance of 3 feet to the 3 foot maximum wall height for Lot 18, Block 3, La Resolana Addn, located at 929 Avenida Estrellita NE, zoned R-1C [Section 14-16-5-7-D]
10. VA-2020-00366 Project# PR-2020-004599 Paul Garcia requests a permit to allow a carport within the front and side setback for Lot 128-P1, Ridgeview UNIT 1, located at 5608 Summer Ridge Rd NW, zoned R-1B [Section 14-16-5-5(F)(2)(a)3]
11. VA-2020-00367 Project# PR-2020-004602 Adam Werts requests a variance of 3 feet to the 3 foot maximum wall height for Lot 1, Block 13, Parkland Hills Addn, located at 502 Graceland DR SE, zoned R-1B [Section 14-16-5-7-D]
12. VA-2020-00368 Project# PR-2020-004605 Mia Huynh requests a variance of 3 feet to the 3 foot maximum wall height for Lot 4B, Block K, Highland Addn South, located at 220 Hazeldine Ave SE, zoned MX-L [Section 14-16-5-7-D]
13. VA-2020-00369 Project# PR-2020-004613 Miguel V. Anazco requests a variance of 3 feet to the 3 foot maximum wall height for Lot 19, Block E, Lavaland Addn, located at 354 Dolores DR NW, zoned R-1B [Section 14-16-5-7-D]

14. VA-2020-00370 Project# PR-2020-004618 Samuel Chavez and Veronica Flores request a variance of 3 feet to the 3 foot maximum wall height for Lot 5, Block T, Lavaland Addn, located at 518 57th St NW, zoned R-1B [Section 14-16-5-7-D]
15. VA-2020-00371 Project# PR-2020-004634 Adam Alvarez requests a variance of 3 feet to the 3 foot maximum wall height for Lot 15-P1, Block 7, Eagle Ridge, located at 8304 Petosky St NW, zoned R-1A [Section 14-16-5-7-D]
16. VA-2020-00372 Project# PR-2020-004635 Richard and Teresa Kenyon request a variance of 5 feet to the 3 foot maximum wall height on the street side for Lot 146-P1, Cerro At 7 Bar North, located at 4028 Palmilla PI NW, zoned R-1A [Section 14-16-5-7-D]
17. VA-2020-00379 Project# PR-2020-004657 Gary F. Hoffman requests a variance of 3 feet to the 3 foot maximum wall height for Lot 1, Block 39, University Heights, located at 202 Richmond DR SE, zoned MX-T [Section 14-16-5-7-D]
18. VA-2020-00381 Project# PR-2020-004659 Stephen and Sughey Surprenant request a variance of 3 feet to be within 3 feet of the property line for Lot 18, Block 4, Kiva Addn, located at 3229 Madeira DR NE, zoned R-1B [Section 14-16-5-5(F)(2)(a)3]
19. VA-2020-00383 Project# PR-2020-004659 Stephen and Sughey Surprenant request permit to allow for a carport in the front yard setback for Lot 18, Block 4, Kiva Addn, located at 3229 Madeira DR NE, zoned R-1B [Section 14-16-5-5(F)(2)(a)3]
20. VA-2020-00382 Project# PR-2020-004660 Presbyterian Healthcare SVS Real Estate Dept / Zack Herrera (Agent, Scott's Fencing) request a variance of 3 feet to the 3 foot maximum wall height for Lot A1, Block 1, Valley View Addn, located at 401 San Mateo Blvd SE, zoned MX-M [Section 14-16-5-7-D]
21. VA-2020-00384 Project# PR-2020-004662 Ivan Gallegos (Agent, JAG Planning & Zoning) request a variance of 2.3 feet to the allowed encroachment of 3 feet from the side lot line for a shade structure for Lot 13, Block 9, Knolls of Paradise Hills Unit 2, located 9833 Benton ST NW, zoned R-1B [Section 14-16-5-1(G)]
22. VA-2020-00385 Project# PR-2020-004668 Titan Investments LLC / Michael Montoya (Agent, Garcia/Kraemer & Associates) request a variance of 30% to the 60% maximum front yard parking area for a lot greater than 5,000 square feet for Lot 20, Block 4, University Heights, located at 409 Harvard DR SE, zoned R-T [Section 14-16-5-5(F)(2)(a)2]
23. VA-2020-00386 Project# PR-2020-004669 Charter Schools Solutions (Agent, Garcia/Kraemer & Associates) requests a variance of 120 feet to the minimum required 660-foot distance from the outer edge of Tramway Blvd right of way for a proposed electronic sign for Lot E1A2, Panorama Heights Addn, located at 99999 Lomas BLVD NE, zoned MX-M [Section 14-16-5-12(H)(2)(c)]
24. VA-2020-00388 Project# PR-2020-004671 Andrew Brads requests a variance of 3 feet to the 3 feet maximum wall height for Lot 10, Block 1, PRA-CON Heights, located 4501 Jennifer DR NE, zoned R-1B [Section 14-16-5-7-D]

25. VA-2020-00389 Project# PR-2020-004672 Mario Valencia requests a variance of 3 feet to the 3 feet maximum wall height for Lot 8, Atlantic and Santa Fe, located at 216 Atlantic Ave SW, zoned R-ML [Section 14-16-5-7-D]
26. VA-2020-00390 Project# PR-2020-004674 Ray Messick and Donna Ortiz request a permit to allow a carport within the front and side setback for Lot 19, Block 3, Bel Air, located at 2742 Truman ST NE, zoned R-1C [Section 14-16-5-5(F)(2)(a)3]
27. VA-2020-00391 Project# PR-2020-004674 Ray Messick and Donna Ortiz request a variance to allow a carport within 19 inches of the property line for Lot 19, Block 3, Bel Air, located at 2742 Truman ST NE, zoned R-1C [Section 14-16-5-5(F)(2)(a)3]
28. VA-2020-00392 Project# PR-2020-004675 Kathryn Fellure requests a variance of 2 feet to the 3 foot maximum wall height for Lot 3, Block 31, Raynolds Addn, located at 1204 Lead Ave SW, zoned R-ML [Section 14-16-5-7-D]
29. VA-2020-00393 Project# PR-2020-004675 Kathryn Fellure requests a variance of 2 feet to the 3 foot maximum wall height for Lot 4, Block 31, Raynolds Addn, located at 1204 Lead Ave SW, zoned R-ML [Section 14-16-5-7-D]
30. VA-2020-00394 Project# PR-2020-004676 Macritchie Storage Ventures LLC (Agent, Michelle Henrie) requests a conditional use to allow outdoor vehicle storage for Lot C48, Town of Atrisco Grant Unit 4, located at 99999 Volcano RD NW, zoned NR-BP [Section 14-16-4-2]
31. VA-2020-00395 Project# PR-2020-004676 Macritchie Storage Ventures LLC (Agent, Michelle Henrie) requests a conditional use to allow outdoor vehicle storage for Lot C49, Town of Atrisco Grant Unit 4, located at 99999 Volcano RD NW, zoned NR-BP [Section 14-16-4-2]
32. VA-2020-00398 Project# PR-2020-004677 Anthem Oil and Renzlo Properties LLC (Agent, Douglas Simms) requests a variance of 3 feet to the 3 foot maximum wall height for Lot 4 Portion of, Block 2, Mandell Addn No 2, located at 2623 2ND ST NW, zoned MX-M [Section 14-16-5-7-D]
33. VA-2020-00400 Project# PR-2020-004679 Anthem Oil and Renzlo Properties LLC (Agent, Douglas Simms) requests a variance of 3 feet to the 3 foot maximum wall height for Lot A2, Block 2, Mandell Addn No 2, located at 2601 2ND ST NW, zoned MX-M [Section 14-16-5-7-D]
34. VA-2020-00399 Project# PR-2020-004678 Carla M Paz requests a conditional use to allow a family home daycare for Lot 24, Block C, Desert Springs Unit 2, located at 7805 Blue Avena Ave SW, zoned R-1A [Section 14-16-4-2]
35. VA-2020-00402 Project# PR-2018-001579 Presbyterian Healthcare Services (Agent, Jessica Lawlis, Dekker, Perich, Sabatini) requests a variance of 115ft to the required 15ft maximum street side setback for Lot A, Winrock Center Addn, located at 2100 Louisiana Blvd NE, zoned MX-H [Section 14-16-5-1-D-1]
36. VA-2020-00403 Project# PR-2020-004682 Integrated Solar Technologies & Manufacturing (Agent, James Muir) requests a variance of 10 ft to the required 15 ft rear yard setback for Lot A9, Block 4, Vista Magnifica, located at 1632 Cliffside DR NW, zoned R-T [Section 14-16-5-1(C)]

37. VA-2020-00404 Project# PR-2019-002293 Homewise, Inc. / Jaime Jaramillo (Agent, Consensus Planning) requests a variance of 7 ft 7 inches to the 35 ft maximum building height for a building < 20 ft from the front property line for Lot C1A, Block C1A, Silver Townhomes, located at 300 Titanium ST SW, zoned MX-FB-ID [Section 14-16-2-4(E)(3)(d)]
38. VA-2020-00405 Project# PR-2019-002293 Homewise, Inc. / Jaime Jaramillo (Agent, Consensus Planning) requests a variance of 15 ft to the required 15 ft rear yard setback for Lot C1A, Block C1A, Silver Townhomes, located at 300 Titanium ST SW, zoned MX-FB-ID [Section 14-16-2-4(E)(3)(d)]
39. VA-2020-00406 Project# PR-2019-002293 Homewise, Inc. / Jaime Jaramillo (Agent, Consensus Planning) requests a variance of 1 ft 6 inches to the required 10 ft minimum ground floor height for Lot C1A, Block C1A, Silver Townhomes, located at 300 Titanium ST SW, zoned MX-FB-ID [Section 14-16-2-4(E)(3)(d)]
40. VA-2020-00408 Project# PR-2019-002293 Homewise, Inc. / Jaime Jaramillo (Agent, Consensus Planning) requests a variance of 29% to the required 40% of clear transparent windows and/or doors on the ground floor street-facing facade for porch, stoop, urban residential, and warehouse frontage types for a building facade facing Silver Ave for Lot C1A, Block C1A, Silver Townhomes, located at 300 Titanium ST SW, zoned MX-FB-ID [Section 14-16-2-4(E)(3)(f)3.a.ii]
41. VA-2020-00410 Project# PR-2019-002293 Homewise, Inc. / Jaime Jaramillo (Agent, Consensus Planning) requests a variance of 1% to the required 40% of clear transparent windows and/or doors on the ground floor street-facing facade for porch, stoop, urban residential, and warehouse frontage types for a building facade facing Second St for Lot C1A, Block C1A, Silver Townhomes, located at 300 Titanium ST SW, zoned MX-FB-ID [Section 14-16-2-4(E)(3)(f)3.a.ii]
42. VA-2020-00411 Project# PR-2019-002293 Homewise, Inc. / Jaime Jaramillo (Agent, Consensus Planning) requests a variance of 19% to the required 30% of clear transparent windows and/or doors on each second floor and higher facade facing a public street or alley for a building facade facing Silver Ave for Lot C1A, Block C1A, Silver Townhomes, located at 300 Titanium ST SW, zoned MX-FB-ID [Section 14-16-2-4(E)(3)(f)3.b]
43. VA-2020-00412 Project# PR-2019-002293 Homewise, Inc. / Jaime Jaramillo (Agent, Consensus Planning) requests a variance of 19% to the required 30% of clear transparent windows and/or doors on each second floor and higher facade facing a public street or alley for a building facade facing Nickel Rd for Lot C1A, Block C1A, Silver Townhomes, located at 300 Titanium ST SW, zoned MX-FB-ID [Section 14-16-2-4(E)(3)(f)3.b]
44. VA-2020-00415 Project# PR-2019-002293 Homewise, Inc. / Jaime Jaramillo (Agent, Consensus Planning) requests a variance of 2% to the required 30% of clear transparent windows and/or doors on each second floor and higher facade facing a public street or alley for a building facade facing Second St for Lot C1A, Block C1A, Silver Townhomes, located at 300 Titanium ST SW, zoned MX-FB-ID [Section 14-16-2-4(E)(3)(f)3.b]

45. VA-2020-00416 Project# PR-2019-002293 Homewise, Inc. / Jaime Jaramillo (Agent, Consensus Planning) requests a variance of 5% to the required 30% of clear transparent windows and/or doors on each second floor and higher facade facing a public street or alley for a building facade facing Titanium St for Lot C1A, Block C1A, Silver Townhomes, located at 300 Titanium ST SW, zoned MX-FB-ID [Section 14-16-2-4(E)(3)(f)3.b]
46. VA-2020-00417 Project# PR-2019-002293 Homewise, Inc. / Jaime Jaramillo (Agent, Consensus Planning) requests a variance of 7 ft 7 inches to the 35 ft maximum building height for a building < 20 ft from the front property line for Lot A1A, Block A1A, Silver Townhomes, located at 301 Platinum ST SW, zoned MX-FB-ID [Section 14-16-2-4(E)(3)(d)]
47. VA-2020-00418 Project# PR-2019-002293 Homewise, Inc. / Jaime Jaramillo (Agent, Consensus Planning) requests a variance of 15 ft to the required 15 ft rear yard setback for Lot A1A, Block A1A, Silver Townhomes, located at 301 Platinum ST SW, zoned MX-FB-ID [Section 14-16-2-4(E)(3)(d)]
48. VA-2020-00419 Project# PR-2019-002293 Homewise, Inc. / Jaime Jaramillo (Agent, Consensus Planning) requests a variance of 1 ft 6 inches to the required 10 ft minimum ground floor height for Lot A1A, Block A1A, Silver Townhomes, located at 301 Platinum ST SW, zoned MX-FB-ID [Section 14-16-2-4(E)(3)(d)]
49. VA-2020-00420 Project# PR-2019-002293 Homewise, Inc. / Jaime Jaramillo (Agent, Consensus Planning) requests a variance of 29% to the required 40% of clear transparent windows and/or doors on the ground floor street-facing facade for porch, stoop, urban residential, and warehouse frontage types for a building facade facing Silver Ave for Lot A1A, Block A1A, Silver Townhomes, located at 301 Platinum ST SW, zoned MX-FB-ID [Section 14-16-2-4(E)(3)(f)3.a.ii]
50. VA-2020-00422 Project# PR-2019-002293 Homewise, Inc. / Jaime Jaramillo (Agent, Consensus Planning) requests a variance of 1% to the required 40% of clear transparent windows and/or doors on the ground floor street-facing facade for porch, stoop, urban residential, and warehouse frontage types for a building facade facing Third St for Lot A1A, Block A1A, Silver Townhomes, located at 301 Platinum ST SW, zoned MX-FB-ID [Section 14-16-2-4(E)(3)(f)3.a.ii]
51. VA-2020-00426 Project# PR-2019-002293 Homewise, Inc. / Jaime Jaramillo (Agent, Consensus Planning) requests a variance of 19% to the required 30% of clear transparent windows and/or doors on each second floor and higher facade facing a public street or alley for a building facade facing Silver Ave for Lot A1A, Block A1A, Silver Townhomes, located at 301 Platinum ST SW, zoned MX-FB-ID [Section 14-16-2-4(E)(3)(f)3.b]
52. VA-2020-00427 Project# PR-2019-002293 Homewise, Inc. / Jaime Jaramillo (Agent, Consensus Planning) requests a variance of 19% to the required 30% of clear transparent windows and/or doors on each second floor and higher facade facing a public street or alley for a building facade facing Nickel Rd for Lot A1A, Block A1A, Silver Townhomes, located at 301 Platinum ST SW, zoned MX-FB-ID [Section 14-16-2-4(E)(3)(f)3.b]

53. VA-2020-00428 Project# PR-2019-002293 Homewise, Inc. / Jaime Jaramillo (Agent, Consensus Planning) requests a variance of 2% to the required 30% of clear transparent windows and/or doors on each second floor and higher facade facing a public street or alley for a building facade facing Third St for Lot A1A, Block A1A, Silver Townhomes, located at 301 Platinum ST SW, zoned MX-FB-ID [Section 14-16-2-4(E)(3)(f)3.b]
54. VA-2020-00429 Project# PR-2019-002293 Homewise, Inc. / Jaime Jaramillo (Agent, Consensus Planning) requests a variance of 5% to the required 30% of clear transparent windows and/or doors on each second floor and higher facade facing a public street or alley for a building facade facing Platinum St for Lot A1A, Block A1A, Silver Townhomes, located at 301 Platinum ST SW, zoned MX-FB-ID [Section 14-16-2-4(E)(3)(f)3.b]
55. VA-2020-00409 Project# PR-2020-004688 Larry and Diana Lopez request a variance of 3 feet to the required 3 feet maximum height in the front yard for Lot 2, Block 11, Swearingen & Marberry, located at 1304 Valencia DR NE, zoned R-1C [Section 14-16-5-7-D]
56. VA-2020-00414 Project# PR-2020-004689 Speedy Finance, LLC DBA B&F Finance Albuquerque, LLC (Agent, Barnett Law Firm) request a variance of .9 miles to the 1 mile distance requirement from another small loan business for Lot B3, Block 62, Bel-Air, located at 3325 San Mateo Blvd NE, zoned MX-M [Section 14-16-4-3-D-22]
57. VA-2020-00425 Project# PR-2020-004690 Redeemer Lutheran Church - Pastor John Heffelfinger (Agent, Elva Pierson) request a variance of 3ft to the 3ft maximum wall height for Lots 10, 11, 12, 24, Block 42, Tijeras Place Addn, located at 210 Alvarado DR SE, zoned MX-M [Section 14-16-5-7-D]
58. VA-2020-00430 Project# PR-2020-004038 Kreider Shirley Revocable Trust -- 7B Building & Development (Agent, Modulus Architects) request a variance of 16ft to the required 20ft landscape buffer for Lots 3, 4, 5, 6, Block 8, Broad Acres, located at 7509 Menaul BLVD NE, zoned MX-M [Section 14-16-5-6(E)(3)]