



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

Lisa Curtis requests a variance of 10 ft to the required 10 ft from the public right-of-way for a freestanding sign for Lot 20, Block 9, Original Town Site of Albuquerque, located on 215 Central Ave NW, zoned SU-3 [Section 14-16-3-5(C)(2)(b)]

Special Exception No: .....**18ZHE-80130**  
Project No: .....**Project# 1011643**  
Hearing Date: .....07-23-18  
Closing of Public Record: .....07-23-18  
Date of Decision: .....08-07-18

On the 23rd day of July, 2018, Stephen Mills, Agent for property owner Lisa Curtis (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 10 ft to the required 10 ft from the public right-of-way for a freestanding sign (“Application”) upon the real property located at 215 Central Ave NW (“Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a variance of 10 ft to the required 10 ft from the public right-of-way for a freestanding sign.
2. The City of Albuquerque Zoning Code of Ordinances Section 14-16-4-2 (C)(2) (Special Exceptions – Variance) reads: “*A variance application shall be approved by the Zoning Hearing Examiner, if and only if, the Zoning Hearing Examiner finds all of the following:*
  - (a) *The application is not contrary to the public interest or injurious to the community, or to property or improvements in the vicinity;*
  - (b) *There are special circumstances applicable to the subject property which do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid;*
  - (c) *Such special circumstances were not self-imposed and create an unnecessary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property that need not be endured to achieve the intent and purpose of the Zoning Code (§14-16-1-3) and the applicable zoning district; and*
  - (d) *Substantial justice is done.*”
3. The Applicant bears the burden of ensuring there is evidence in the record supporting a finding that the above criteria are met under Section 14-16-4-2(C).
4. Stephen Mills presented testimony in support of the Application.
5. The subject property is zoned SU-3.
6. The Downtown Silver Platinum Neighborhood Association was notified.
7. No one appeared in opposition to the Application.
8. Approval of the application will allow for a business sign of aesthetic/artistic and historically unique in its nature and unique in the downtown area.
9. It would provide additional attraction for tourists and local patrons.

10. The business sign is for an established downtown business successful for 16 + years.
11. It is paired with a newly renovated building façade.
12. The ZHE finds that Application is not: (i) contrary to the public interest, (ii) injurious to the community; or (iii) injurious to the property or improvements located in the vicinity as required by Section 14-16-4-2 (C)(2)(a).
13. Specifically, the ZHE finds that the application would enhance a unique characteristic of the downtown area.
14. The ZHE finds that there are special circumstances applicable to the Subject Property which do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid, as required by Section 14-16-4-2(C)(2)(b).
15. Specifically, the ZHE finds that the application is for a business surrounded by bare parking lots.
16. The sign/placement will not block the view of any adjacent properties or businesses.
17. It would not block any road signs or traffic signals.
18. It is over 6 feet behind the property easement line.
19. The ZHE finds that such special circumstances were not self-imposed and create an unnecessary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property that need not be endured to achieve the intent and purpose of the Zoning Code (§14-16-1-3) and the applicable district, as required by Section 14-16-4-2(C)(2)(c).
20. Specifically, the ZHE finds that the application would improve the property, the community and the vicinity.
21. It would help alleviate the economic hardship of downtown and help remove limitations caused by the special circumstances.
22. The ZHE finds that substantial justice will be done if this Application is approved, as required pursuant to Section 14-16-4-2 (C)(2)(d).
23. The ZHE finds that the proper “Notice of Hearing” signage was posted for the required time period as required by Section 14-16-4-2(B)(4).
24. The ZHE finds that the Applicant has authority to pursue this Application.

#### CONCLUSIONS OF LAW:

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

#### DECISION:

APPROVAL of a variance of 10 ft to the required 10 ft from the public right-of-way for a freestanding sign.

If you wish to appeal this decision, you must do so by August 23, 2018 in the manner described below. A non-refundable filing fee will be calculated at the Planning

Department's Land Development Coordination counter and is required at the time the Appeal is filed.

Appeal is to be filed within 15 days of the decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, on the west side of the lobby.  
**Please present this letter of notification when filing an appeal.**

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



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Stan Harada, Esq.  
Zoning Hearing Examiner

cc: Zoning Enforcement  
ZHE File