Our Lady of Fatima Catholic Church requests a variance of 7 ft 5 inches to the allowed 6 ft sign height on Archdiocese of S.F., located at 4020 Lomas Blvd NE, zoned R-MH [Section 14-16-5-12(F)]

Special Exception No: ............ VA-2019-00067
Project No: ......................... Project# 2019-002151
Hearing Date: ..................... 04-16-19
Closing of Public Record: .... 04-16-19
Date of Decision: ................. 05-01-19

On the 16th day of April, 2019, Bill Keleher, agent for property owner Our Lady of Fatima Catholic Church (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 7 ft 5 inches to the allowed 6 ft sign height (“Application”) upon the real property located at 4020 Lomas Blvd NE (“Subject Property”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. The request is for a variance of 7 ft 5 inches to the allowed 6 ft sign height.
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 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).
4. William Keleher, Esq., agent for Archdiocese of Santa Fe Real Estate, property owner appeared and gave evidence in support of the application.
5. The subject address is 4020 Lomas Blvd NE.
6. The subject property is in an Area of Change as designated by the
7. All property owners within 100 feet of the subject property and the affected
   neighborhood association were notified.
8. Nob Hill Neighborhood Association and McDuffie Twin Parks Neighborhood
   Association are the affected neighborhood associations.
9. A letter from Gary Eyster, President Nob Hill Neigh- bor Association, dated March 28,
   2019, stating the Board had voted unanimously in Support of the requests, was submitted
   in support of the Application.
10. The subject property is currently zoned R-MH.
11. Our Lady of Fatima Church is the business on the subject property.
12. The request is to allow a new replacement sign for the Church at the entrance to the
    property.
13. The existing sign is double-sided white plastic that is illuminated from the inside by
    fluorescent tubes.
14. The new sign is prefabricated in standard sizes and the new sign is larger than the old
    existing sign.
15. The sign would use interior controllable, LED lights to illuminate the sign at night and in
    darkened conditions.
16. A site plan, with color prints showing the proposed new sign were submitted in support
    of the Application.
17. The request is for 16 additional square feet to the allowable 24 square feet maximum
    area.
18. The new sign is more efficient and will signifi- cantly improve the environmental impact.
19. It will reduce energy consumption.
20. The new sign will allow more precise control of the interior illumination.
21. Sensors will turn the LEDs off.
22. The Applicant will use the existing posts to mount the sign.
23. This use will be efficient and will result in less waste.
24. The height of the existing sign is 11 feet, plus a cross on top, for a total height of 13 feet.
25. The IDO sets a height limit of 6 feet for signs within an R-MH zone district.
26. Properties directly across Lomas from the subject property and adjacent property to the
    east are zoned MX-M, which would allow a sign of 200 square feet and 26 feet in height.
27. The proposed new sign would be smaller than existing signs on adjacent businesses.
28. A number of members from the congregation of the church appeared and voiced their
    unanimous support for the Application.
29. 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, as
    required by Section 14-16-6-6(N)(3)(a)(1).
30. The variance will not be contrary to the public safety, health and welfare of the
    community as required by Section 14-16-6-6(N)(3)(a)(2).
31. The variance will not cause significant adverse material impacts on surrounding
    properties or infrastructure improvements in the vicinity as required by Section 14-16-6-
32. The variance will not materially undermine the intent and purpose of the IDO or applicable zone district as required by Section 14-16-6-6(N)(3)(a)(4).
33. The variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties as required by Section 14-16-6-6(N)(3)(a)(5).
34. The proper “Notice of Hearing” signage was posted for the required time period as required by Section 14-16-6-4(K)(3).
35. The Applicant has authority to pursue this Application.

DECISION:

APPROVAL of a variance of 7 ft 5 inches to the allowed 6 ft sign height.

APPEAL:

If you wish to appeal this decision, you must do so by May 16, 2019 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.

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Stan Harada, Esq.
Zoning Hearing Examiner

cc: Zoning Enforcement
ZHE File
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