



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

Saylor Family Trust, LLC & Richard Saylor (Agent: Juanita Garcia, JAG Planning & Zoning) requests a Variance of 185' to the required 200' distance for an illuminated sign to be visible from a residential zone for Lot B-1, Horizon Academy Subdivision, located at 1900 Atrisco Drive NW, zoned NR-BP (Section 14-16-5-12(E)(5)(c))

Special Exception No: **VA-2025-00133**
Project No:..... **PR-2025-020095**
Hearing Date:..... 09-16-2025
Closing of Public Record: 09-16-2025
Date of Decision: 10-01-2025

On September 16, 2025, Juanita Garcia, JAG Planning & Zoning (“**Agent**”) as agent for Saylor Family Trust, LLC & Richard Saylor (“**Applicant**”) was scheduled to appear before the Zoning Hearing Examiner (the “**ZHE**”) requesting a Variance of 185' to the required 200' distance for an illuminated sign to be visible from a residential zone (“**Application**”) upon the real property located at 1900 Atrisco Drive NW (the “**Subject Property**”). Below are the ZHE’s findings of fact and decision:

FINDINGS:

1. Applicant is requesting a Variance of 185' to the required 200' distance for an illuminated sign to be visible from a residential zone, pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“**IDO**”) Section 14-16-6-6(O).
2. Applicant has authority to pursue this Application, pursuant to 14-16-6-4(D).
3. Applicant has duly authorized Agent to act on Applicant’s behalf regarding the Application.
4. Applicant is not required to offer a meeting to Indian Nations, Tribes, and Pueblos no more than 1 calendar year before filing the application, pursuant to IDO Section 14-16-6-4(B).
5. The Planning Director’s delegee has determined that the Application is complete, pursuant to IDO Section 14-16-6-4(G).
6. The analyses and studies listed in IDO Section 14-16-6-4(H) are not required.
7. The Application was not required to forward to commenting agencies pursuant to IDO Section 14-16-6-4(I).
8. The content of the notice of the Application satisfies IDO Section 14-16-6-4(J)(1).
9. Applicant has sent an electronic mail notice to the email addresses on file with the Office of Neighborhood Coordination for each pertinent Neighborhood Association as required by IDO Section 14-16-6-4(J)(2).
10. Applicant has sent mailed notice to all property owners within 100 feet of the subject property as required by IDO Section 14-16-6-4(J)(3).

11. Applicant has posted sign notice(s) as required by IDO Section 14-16-6-4(J)(4).
12. The Subject Property is NR-BP.
13. Therefore, a Variance of 185' to the required 200' distance for an illuminated sign to be visible from a residential zone on the Subject Property requires a Variance Approval pursuant to IDO Subsection 14-16-6-6(O).
14. IDO Section 14-16-6-6(O)(3)(a) (Review and Decision Criteria– Variance) reads: “*An application for a Variance - ZHE shall be approved if it meets all of the following criteria:*
 1. *There are special circumstances applicable to a single lot that are not self-imposed and that do not apply generally to other property in the same zone district and vicinity, including but not limited to size, shape, topography, location, surroundings, physical characteristics, natural forces, or by government actions for which no compensation was paid. Such special circumstances of the lot either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or economic return on the property, or practical difficulties result from strict compliance with the minimum standards.*
 2. *The Variance will not be materially contrary to the public safety, health, or welfare.*
 3. *The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.*
 4. *The Variance will not materially undermine the intent and purpose of this IDO, the applicable zone district, or any applicable Overlay Zone.*
 5. *The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.*”
15. Applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO Section 14-16-6-4(E)(3).
16. Applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO Section 14-16-6-4(E)(4).
17. Agent appeared at the September 16, 2025 ZHE hearing on the Application requesting a Variance of 185' to the required 200' distance for an illuminated sign to be visible from a residential zone and gave evidence in support of the Application.
18. Based on evidence submitted by or on behalf of Applicant, it appears that 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(O)(3)(a)(1). The site is located on a curved road that does not allow for clear visibility along Atrisco Drive, when traveling to the site. The location of the property in general is toward a dead end of the road and is not very visible in general from major roads or the surrounding local roads, which contributes to low visibility of the site. These circumstances create practical difficulties with strict compliance with the IDO. The proposed location of the sign will allow staff, parents, and students who attend the school to see the sign and read the important messages that are provided by the school. The sign will have minimum impact on drivers in the general area because of the location of the site.

19. Based on evidence submitted by or on behalf of Applicant, the Variance will not be contrary to the public safety, health and welfare of the community as required by Section 14-16-6-6(O)(3)(a)(2). The sign is engineered to meet all associated IDO regulations and building codes. The sign will also meet the maximum luminance allowed for signs when adjacent to residential zone. Furthermore, the sign will meet the requirements that “Change of illumination does not produce any apparent motion of the visual image, including but not limited to illusion of moving objects, moving patterns or bands of light, expanding or contracting shapes, or any similar effect of animation except twinkling,” as specified in Section 14-16-5-12(E)(5)(c)(1) of the IDO. Applicant has volunteered to turn off the sign between the hours of 11pm and sunrise to mitigate any potential negative impact.
20. Based on evidence submitted by or on behalf of Applicant, the Variance will not cause significant adverse material impacts on surrounding properties or infrastructure improvements in the vicinity as required by Section 14-16-6-6(O)(3)(a)(3). The proposed sign will be lower than the adjacent residential zone, which is shielded by a solid wall or fence. There is also landscaping on the subject property that will block luminance emanating from the sign. The proposed sign will be along a local street where speed limits are at a minimum allowing for signs to be readable. In addition, the proposed sign will not affect any infrastructure improvements that currently exists within the area, because the sign will be located on private property and not within the right-of-way.
21. Based on evidence submitted by or on behalf of Applicant, 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(O)(3)(a)(4). The IDO allows for the provision of a variance, if all the criteria are met. The intent of the IDO will still be met in that the proposed sign will meet all other regulations related to the brightness of the sign and the use is consistent with the underlying zone district.
22. Based on evidence submitted by or on behalf of Applicant, the Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties as required by Section 14-16-6-6(O)(3)(a)(5). Any smaller variance would not allow for placement of the reasonably proposed sign.
23. The City Traffic Engineer submitted a report stating no objection to the Application

DECISION:

APPROVAL WITH CONDITION of a Variance of 185' to the required 200' distance for an illuminated sign to be visible from a residential zone.

CONDITION:

The sign must be turned off between the hours of 11:00 p.m. local time and sunrise.

APPEAL:

If you wish to appeal this decision, you must do so by October 16, 2025 pursuant to Section 14-16-6-4(U), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

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



Robert Lucero, Esq.
Zoning Hearing Examiner

cc: ZHE
Zoning Enforcement
Juanita Garcia, jag@jagpandz.com
Kyle Hunt, khunt@christineduncan.org