



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

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

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

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

FINDINGS:

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

13. Agent appeared at the October 21, 2025, ZHE hearing on the Application and gave evidence in support of the Application.
14. The Subject Property is located in a MX-M zone district which mandates a 30-inch maximum for a projecting sign.
15. Therefore, a 66-inch maximum for a projecting sign on the Subject Property requires a Variance Approval pursuant to IDO Subsection 14-16-6-6(O).
16. IDO Section 14-16-6-6(O)(3)(a) (Review and Decision Criteria– Variance) reads: “*An application for a Variance - ZHE shall be approved if it meets all of the following criteria:*
 1. *There are special circumstances applicable to a single lot that are not self-imposed and that do not apply generally to other property in the same zone district and vicinity, including but not limited to size, shape, topography, location, surroundings, physical characteristics, natural forces, or by government actions for which no compensation was paid. Such special circumstances of the lot either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or economic return on the property, or practical difficulties result from strict compliance with the minimum standards.*
 2. *The Variance will not be materially contrary to the public safety, health, or welfare.*
 3. *The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.*
 4. *The Variance will not materially undermine the intent and purpose of this IDO, the applicable zone district, or any applicable Overlay Zone.*
 5. *The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.*”
17. Based on evidence submitted by or on behalf of Applicant, it appears that there are no special circumstances applicable to the Subject Property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid. Applicant's submissions indicate that the City recommended a pole-mounted sign; however, their rejection of this recommendation and pursuit of a projected wall sign appear to be self-imposed choices, which do not constitute valid hardships justifying a variance. The record does not reflect how the Subject Property would be different from other properties in the same zone and vicinity in manners such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid. Evidence fails to sufficiently articulate any special circumstances or extraordinary hardships that would warrant the granting of a variance for their property.
18. There appears insufficient evidence to establish that the Variance will not be contrary to the public safety, health, and welfare of the community as required by Section 14-16-6-6(O)(3)(a)(2). Applicant’s analysis appears to focus solely on direct impacts, neglecting broader public concerns, which form the basis of the inquiry. Additionally, Applicant has provided little to no evidence to support the assertion that the sign will not adversely affect neighboring properties or infrastructure, while several community members

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

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

DECISION:

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

APPEAL:

If you wish to appeal this decision, you must do so by November 20, 2025, pursuant to Section 14-16-6-4(U), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

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



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