

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

SANDY MORAN request(s) a special exception to Section Pg. 5-16 and 14-16-2-15(A)(16)(F): a VARIANCE of 5" to the 9" maximum letter height requirement for a proposed free-standing sign with 14" high letters on all or a portion of Lot(s) B1, Tract(s) B, LONGFIELD zoned SU-2 EG-C, located at **10705 CENTRAL AVE NE (L-21)**

Special Exception No:..... **12ZHE-80100**
Project No:..... **1009201**
Hearing Date:..... 04-17-12
Closing of Public Record: 04-17-12
Date of Decision: 04-24-12

I have reviewed the entire file as well as the recordings, I make the following:

STATEMENT OF FACTS:

The applicant, Buck Buckner, requests a variance of 5" to the 9" maximum letter height requirement for a proposed free-standing sign with 14" high letters. Mr. Buckner testified, at the hearing, that he is the owner of the Rain Tunnel Car Wash for approximately five years. If approved, the proposed free-standing sign will be constructed to serve as notice to patrons of the business. Mr. Buckner also testified that the business has been approved pending the said variance and has met with the City of Albuquerque Policy Analysts.

There is no opposition to this request and no need of a review from the Traffic Engineer's Office for clear sight requirements. The yellow signs were posted.

Based on all of the testimony and a review of the entire file, it is determined there is substantial evidence to make the following findings and conclusions:

FINDINGS AND CONCLUSIONS: I find that this parcel is exceptional as compared to other parcels in the vicinity because of its irregular shape and therefore, it meets the test for the granting of the variance as provided for by Section 14.16.4.2. I further find that as a result of the exceptional aspect of the property, the regulations produce an exceptional hardship in that it will limit the owner's reasonable use of the property and/or deprive the owner of a reasonable return on the property. Furthermore, I find that the particular variance is appropriate to prevent unnecessary hardship and further find that the variance will defer from development which will be permitted under the existing regular zoning regulations no more than what is necessary to overcome the unnecessary hardship. The variance will not significantly interfere with the enjoyment of other land in the vicinity and is consistent with the spirit of the Zoning Ordinance, substantial justice and general public interests. Finally, pending the proposed amendment by City Counsel to allow signage for permanent use, therefore it is approved.

DECISION: Approved.

The approval is subject to the submitted site plan, as required. Any substantial changes to the site plan, as determined by the Zoning Enforcement Division, shall require the scheduling of an additional Public Hearing.

A Building Permit must be applied for at the Building Permit Desk which is located at the Plaza del Sol Building, Ground Level on the east side of the lobby.

If you wish to appeal this decision, you may do so by 5:00 p.m., on May 3, 2012, in the manner described below:

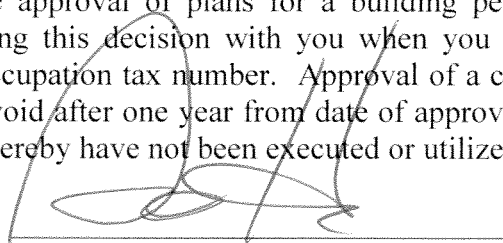
Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$50.00 shall accompany each appeal application, as well as a written explanation outlining the reason for appeal and a copy of the ZHE decision. Appeals are taken at 600 2nd Street, Plaza Del Sol Building, Ground Level, Planning Application Counter located on the west side of the lobby. **Please present this letter of notification when filing an appeal.** When an application is withdrawn, the fee shall not be refunded.

An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of the opponents, if any are known, and the appellant.

Please note that pursuant to Section 14.16.4.4.(B), of the City of Albuquerque Comprehensive Zoning Code, you must demonstrate that you have legal standing to file an appeal as defined.

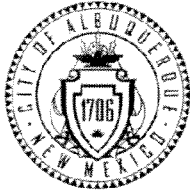
You will receive notice if any other person files an appeal. If there is no appeal, you can receive building permits any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. However, the Interim Zoning Hearing Examiner may allow issuance of building permits if the public hearing produces no objection of any kind to the approval of an application. To receive this approval, the applicant agrees in writing to return the building permit or occupation tax number.

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.



Stanley D. Harada
Interim Zoning Hearing Examiner

cc: Zoning Enforcement (2)
ZHE File



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

SANDY MORAN request(s) a special exception to Section Pg. 5-16 and 14-16-2-15(A)(16)(F)(b) 3: a VARIANCE of 1 free standing sign to the number of allowed free-standing signs for a total of 2 signs on all or a portion of Lot(s) B1, Tract(s) B, LONGFIELD zoned SU-2 EG-C, located at **10705 CENTRAL AVE NE (L-21)**

Special Exception No:..... **12ZHE-80101**
Project No: **1009201**
Hearing Date: 04-17-12
Closing of Public Record: 04-17-12
Date of Decision: 04-24-12

I have reviewed the entire file as well as the recordings, I make the following:

STATEMENT OF FACTS:

The applicant, Buck Buckner, requests a variance 1 free standing sign to the number of allowed free-standing signs for a total of 2 signs. Mr. Buckner testified, at the hearing, that he is the owner of the Rain Tunnel Car Wash for approximately five years. If approved, the proposed free-standing sign will be constructed to serve as notice to patrons of the business. Mr. Buckner also testified that the business has been approved pending the said variance and has met with the City of Albuquerque Policy Analysts.

There is no opposition to this request and no need of a review from the Traffic Engineer's Office for clear sight requirements. The yellow signs were posted.

Based on all of the testimony and a review of the entire file, it is determined there is substantial evidence to make the following findings and conclusions:

FINDINGS AND CONCLUSIONS: I find that this parcel is exceptional as compared to other parcels in the vicinity because of its irregular shape and therefore, it meets the test for the granting of the variance as provided for by Section 14.16.4.2. I further find that as a result of the exceptional aspect of the property, the regulations produce an exceptional hardship in that it will limit the owner's reasonable use of the property and/or deprive the owner of a reasonable return on the property. Furthermore, I find that the particular variance is appropriate to prevent unnecessary hardship and further find that the variance will defer from development which will be permitted under the existing regular zoning regulations no more than what is necessary to overcome the unnecessary hardship. The variance will not significantly interfere with the enjoyment of other land in the vicinity and is consistent with the spirit of the Zoning Ordinance, substantial justice and general public interests. Finally, pending the proposed amendment by City Counsel to allow signage for permanent use, therefore it is approved.

DECISION: Approved.

The approval is subject to the submitted site plan, as required. Any substantial changes to the site plan, as determined by the Zoning Enforcement Division, shall require the scheduling of an additional Public Hearing.

A Building Permit must be applied for at the Building Permit Desk which is located at the Plaza del Sol Building, Ground Level on the east side of the lobby.

If you wish to appeal this decision, you may do so by 5:00 p.m., on May 3, 2012, in the manner described below:

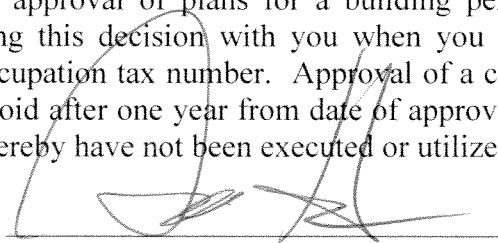
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An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of the opponents, if any are known, and the appellant.

Please note that pursuant to Section 14.16.4.4.(B), of the City of Albuquerque Comprehensive Zoning Code, you must demonstrate that you have legal standing to file an appeal as defined.

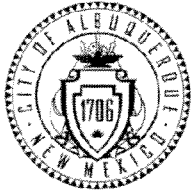
You will receive notice if any other person files an appeal. If there is no appeal, you can receive building permits any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. However, the Interim Zoning Hearing Examiner may allow issuance of building permits if the public hearing produces no objection of any kind to the approval of an application. To receive this approval, the applicant agrees in writing to return the building permit or occupation tax number.

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.



Stanley D. Harada
Interim Zoning Hearing Examiner

cc: Zoning Enforcement (2)
ZHE File



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OFFICE OF ADMINISTRATIVE HEARINGS
INTERIM ZONING HEARING EXAMINER
NOTIFICATION OF DECISION

SANDY MORAN request(s) a special exception to Section Pg. 5-16 and 14-16-2-15(16)(c)(1): a VARIANCE of 20 sq ft to the 75 sq ft maximum allowed for a proposed free-standing sign area on all or a portion of Lot(s) B1, Tract(s) B, LONGFIELD zoned SU-2 EG-C, located at **10705 CENTRAL AVE NE** (L-21)

Special Exception No:..... **12ZHE-80102**
Project No: **1009201**
Hearing Date: 04-17-12
Closing of Public Record: 04-17-12
Date of Decision: 04-24-12

I have reviewed the entire file as well as the recordings, I make the following:

STATEMENT OF FACTS:

The applicant, Buck Buckner, requests a variance of 20 sq ft to the 75 sq ft maximum allowed for a proposed free-standing sign. Mr. Buckner testified, at the hearing, that he is the owner of the Rain Tunnel Car Wash for approximately five years. If approved, the proposed free-standing sign will be constructed to serve as notice to patrons of the business. Mr. Buckner also testified that the business has been approved pending the said variance and has met with the City of Albuquerque Policy Analysts.

There is no opposition to this request and no need of a review from the Traffic Engineer's Office for clear sight requirements. The yellow signs were posted.

Based on all of the testimony and a review of the entire file, it is determined there is substantial evidence to make the following findings and conclusions:

FINDINGS AND CONCLUSIONS: I find that this parcel is exceptional as compared to other parcels in the vicinity because of its irregular shape and therefore, it meets the test for the granting of the variance as provided for by Section 14.16.4.2. I further find that as a result of the exceptional aspect of the property, the regulations produce an exceptional hardship in that it will limit the owner's reasonable use of the property and/or deprive the owner of a reasonable return on the property. Furthermore, I find that the particular variance is appropriate to prevent unnecessary hardship and further find that the variance will defer from development which will be permitted under the existing regular zoning regulations no more than what is necessary to overcome the unnecessary hardship. The variance will not significantly interfere with the enjoyment of other land in the vicinity and is consistent with the spirit of the Zoning Ordinance, substantial justice and general public interests. Finally, pending the proposed amendment by City Counsel to allow signage for permanent use, therefore it is approved.

DECISION: Approved.

The approval is subject to the submitted site plan, as required. Any substantial changes to the site plan, as determined by the Zoning Enforcement Division, shall require the scheduling of an additional Public Hearing.

A Building Permit must be applied for at the Building Permit Desk which is located at the Plaza del Sol Building, Ground Level on the east side of the lobby.

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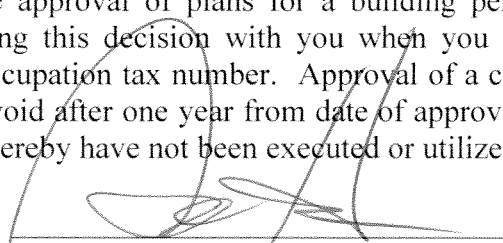
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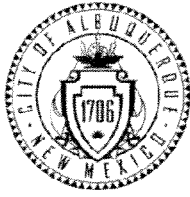
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cc: Zoning Enforcement (2)
ZHE File



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NOTIFICATION OF DECISION

SANDY MORAN request(s) a special exception to Section Pg. 5-16 and 14-16-3-5(B)(2)(b): a VARIANCE of 8' to the 10' setback area requirement from the street side property line for a proposed free-standing sign area on all or a portion of Lot(s) B1, Tract(s) B, LONGFIELD zoned SU-2 EG-C, located at **10705 CENTRAL AVE NE (L-21)**

Special Exception No:..... **12ZHE-80103**
Project No:..... **1009201**
Hearing Date:..... 04-17-12
Closing of Public Record:..... 04-17-12
Date of Decision: 04-24-12

I have reviewed the entire file as well as the recordings, I make the following:

STATEMENT OF FACTS:

The applicant, Buck Buckner, requests a variance of 8' to the 10' setback area requirement from the street side property line for a proposed free-standing sign. Mr. Buckner testified, at the hearing, that he is the owner of the Rain Tunnel Car Wash for approximately five years. If approved, the proposed free-standing sign will be constructed to serve as notice to patrons of the business. Mr. Buckner also testified that the business has been approved pending the said variance and has met with the City of Albuquerque Policy Analysts.

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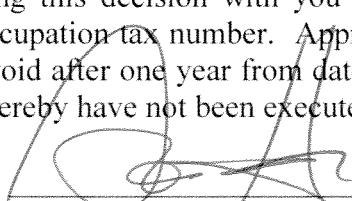
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