

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

GUY JACKSON (DAN RICH) request(s) a special exception to Section 14-16-3-2(B)(4): a VARIANCE to increase the square footage of two existing free standing signs by 24 square feet each for all or a portion of Lot(s) Y-2A-1-A, Y-2A-1-B, Y-2A-1C & Y-2A-1-D, TAYLOR RANCH zoned C-2 (SC), located on 6971 TAYLOR RANCH DR NW (D-11)

Special Exception No: **12ZHE-80253**
Project No: **Project# 1009395**
Hearing Date: 09-18-12
Closing of Public Record: 09-18-12
Date of Decision: 10-03-12

On September 18, 2012, Dan Rich appeared before the Interim Hearing Officer, Stanley D. Harada for a variance to increase the square footage of two existing free standing signs by 24 square feet at 6971 Taylor Ranch NW.

SUMMARY:

1. Mr. Rich is requesting a variance to increase the square footage of two existing freestanding signs by 24 square feet.
2. Mr. Rich testified that the subject signage is located within the existing Homestead Hills Shopping Center.
3. Mr. Rich testified the property requires additional signage in order to serve the future retail/office tenants of the proposed two story storage office (building H), which was heard by the ZHE on August 7th, 2012 (case #1009304).
4. Mr. Rich testified that in 2007, the Zoning Hearing Examiner pursuant to Notification of Decision for Special Exception (case 07ZHE-80021, allowed for two additional free standing signs at this development. The variance was approved.
5. Mr. Rich testified that the property is exceptional because of the physical characteristics of the shopping center. The proposed office spaces are going to be located within the proposed two story self storage/office "building H" which is setback about 260' from the Taylor Ranch Dr NW frontage and 550' from the Homestead Circle frontage within the 10,000 acre complex, which are obscured from other buildings.
6. Mr. Rich testified that street recognition is a significant determining factor by future businesses when choosing locations for leasing. If the street frontage is not provided for the office/retail spaces for building H, they would be less inclined to locate their business in a neighborhood that needs a presence.
7. Mr. Rich did testify that Renee Horvath from the Taylor Ranch Neighborhood Association was willing to speak in support of the request. Ms. Horvath has submitted a letter of support from the Taylor Ranch NA.
8. Mr. Rich testified that he has owned the property for 9 years.
9. There are no letters of opposition in the file.

10. The traffic Engineer does not have an issue with the clear sight triangle measurement.
11. The yellow signs were posted for the required time.

FINDINGS:

Dan Rich has met the burden for a variance to increase the square footage of two existing free standing signs by 24 square feet at 6971 Taylor Ranch NW. The request does not appear to be injurious to the surrounding community. The property does not negatively impact the neighborhood.

DECISION: Approved.

If you wish to appeal this decision, you may do so by 5:00 p.m., on October 18, 2012 in the manner described below:

Appeal is to the Board of Appeals within 15 days of the decision. A filing fee of \$105.00 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.

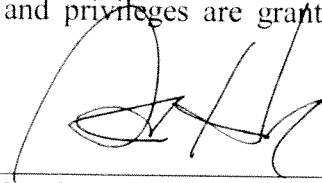
An appeal shall be heard by the Board of Appeals within 45 days of the appeal period and concluded within 75 days of the appeal period. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of 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 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, Esq.
Interim Zoning Hearing Examiner

cc: Zoning Enforcement
Guy Jackson, 10522 Florence Ave NE 87122
Dan Rich, 12231 Aaemy Rd NE # 301-189 87111
ZHE File