



CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
ZONING HEARING EXAMINER  
NOTIFICATION OF DECISION

PRESBYTERIAN HEALTHCARE SERVICES (JOHN P. SALAZAR) request(s) a special exception to Page 38, Paragraph E, 5 of the NORTH I-25 SECTOR DEVELOPMENT PLAN: a VARIANCE of 14" to the maximum 18" allowed letter height for a proposed sign for all or a portion of Lot(s) D-1E-1, SISTERS OF THE ORDER OF ST. DOMINIC zoned SU-2 IP-EP, located on 9521 SAN MATEO BLVD NE (B-17)

Special Exception No:..... **12ZHE-80334**  
Project No: ..... **Project# 1009482**  
Hearing Date: ..... 11-19-12  
Closing of Public Record: ..... 11-19-12  
Date of Decision: ..... 12-06-12

On the 19th day of November, 2012 (hereinafter "**Hearing**") Mr. John P. Salazar, Esq. and Mr. Chris Gunning (hereinafter "**Agent**") acting as agent on behalf of the property owner, Presbyterian Healthcare Services (hereinafter "**Applicant**") appeared before the Zoning Hearing Examiner (hereinafter "**ZHE**") requesting a Variance of 14" to the maximum 18" allowed letter height for a proposed sign (hereinafter "**Application**") upon the real property located at 9521 SAN MATEO BLVD NE ("**Subject Property**"). Below are the findings of facts:

**FINDINGS:**

1. Applicant is requesting a Variance of 14" to the maximum 18" allowed letter height for a proposed sign.
2. The City of Albuquerque Code of Ordinances Section § 14-16-4-2 (C) (2) (a) "SPECIAL EXCEPTIONS" reads in part: "*Variance. A variance shall be approved if and only if the following tests are met: (a) The property is exceptional*"
3. Applicant testified at the Hearing that the Subject Property is exceptional for the following reasons:
  - a. Exceptionality Reason #1: The parcel is irregularly positioned because it sits lower than other similarly situated properties within the North I-25 Sector Development Plan.
  - b. Exceptionality Reason #2: The parcel is substantially below grade which creates a challenge for motorists to read the signage within the Subject Property.
4. The City of Albuquerque Code of Ordinances Section § 14-16-4-2 (C) (2) (b) "SPECIAL EXCEPTIONS" reads in part: "*A variance shall be approved if and only if the following tests are met: (b) as a result of the exceptional aspect of the property, the regulations produce unnecessary hardship*"
5. Applicant testified at the Hearing that as a result of the exceptionality (site sits below grade) that Page 38, Paragraph E, 5 of the NORTH I-25 SECTOR

DEVELOPMENT PLAN creates a (18" allowed letter height for a proposed sign) regulation that produces an unnecessary hardship upon the Applicant and the Subject Property.

6. The City of Albuquerque Code of Ordinances Section § 14-16-4-2 (C) (2) (c) "SPECIAL EXCEPTIONS" reads in part: "*A variance shall be approved if and only if the following tests are met: (c) a particular variance is appropriate to prevent the unnecessary hardship.*"
7. Applicant testified at the Hearing that the variance Application, if approved, would be appropriate to prevent the unnecessary hardship and allow Presbyterian to adequately advertise their services to their interested patients, customers and employees.
8. The City of Albuquerque Code of Ordinances Section § 14-16-4-2 (C) (2) (d) "SPECIAL EXCEPTIONS" reads in part: "*A variance shall be approved if and only if the following tests are met: (d) financial gain or loss shall not be the sole determining factor in deciding a variance.*"
9. The Application and the testimony provided by the Applicant at the Hearing both suggest that financial gain/loss was not the sole determining factor of the Application.
10. Mr. Salazar, Esq. did a thorough job of explaining the unnecessary hardship that would bestow the Applicant in the event that the variance was denied. Additionally, Mr. Gunning presented the design of the signs in a manner that suggested it would be an aesthetic complement to the building and surrounding campus.
11. The Application, File and testimony of the Applicant at the Hearing suggest that there is no neighborhood opposition to the Application.
12. Applicant testified at the Hearing that the yellow "Notice of Hearing" signs were posted for the required time period as articulated within City of Albuquerque Code of Ordinances § 14-16-4-2 SPECIAL EXCEPTIONS.
13. The Applicant has adequately justified the variance Application upon the Subject Property pursuant to City of Albuquerque Code of Ordinances Section § 14-16-4-2 SPECIAL EXCEPTIONS.

### **DECISION:**

**APPROVAL** of a VARIANCE of 14" to the maximum 18" allowed letter height for a proposed sign upon the real property located at 9521 SAN MATEO BLVD NE.

**If you wish to appeal this decision, you may do so by 5:00 p.m., on December 21, 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**

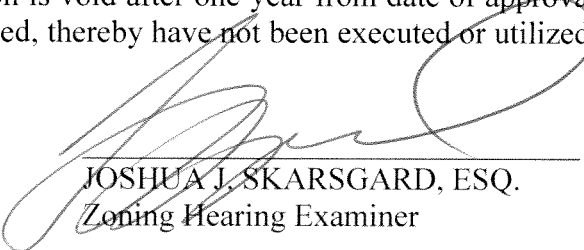
**letter of notification when filing an appeal.** When an application is withdrawn, the fee shall not be refunded.

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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.

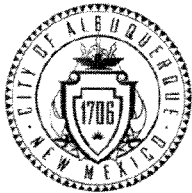
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\_\_\_\_\_  
JOSHUA J. SKARSGARD, ESQ.  
Zoning Hearing Examiner

cc: Zoning Enforcement  
ZHE File  
James R. Jeppson, PO Box 26666, 87125  
John P. Salazar, PO Box 1888, 87102  
Presbyterian Healthcare Services, PO Box 26666, 87125  
Larry Caudill, 4915 Watercress NE, 87113  
Chris Gunning, 7601 Jefferson NE, 87109



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Special Exception No:..... **12ZHE-80335**  
Project No: ..... **Project# 1009482**  
Hearing Date: ..... 11-19-12  
Closing of Public Record: ..... 11-19-12  
Date of Decision: ..... 12-06-12

On the 19th day of November, 2012 (hereinafter "**Hearing**") Mr. John P. Salazar, Esq. and Mr. Chris Gunning (hereinafter "**Agent**") acting as agent on behalf of the property owner, Presbyterian Healthcare Services (hereinafter "**Applicant**") appeared before the Zoning Hearing Examiner (hereinafter "**ZHE**") requesting a Variance of 14" to the maximum 18" letter height for a proposed sign (hereinafter "**Application**") upon the real property located at 9521 SAN MATEO BLVD NE ("**Subject Property**"). Below are the findings of facts:

**FINDINGS:**

1. Applicant is requesting a Variance of 14" to the maximum 18" letter height for a proposed sign.
2. The City of Albuquerque Code of Ordinances Section § 14-16-4-2 (C) (2) (a) "SPECIAL EXCEPTIONS" reads in part: "*Variance. A variance shall be approved if and only if the following tests are met: (a) The property is exceptional*"
3. Applicant testified at the Hearing that the Subject Property is exceptional for the following reasons:
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4. The City of Albuquerque Code of Ordinances Section § 14-16-4-2 (C) (2) (b) "SPECIAL EXCEPTIONS" reads in part: "*A variance shall be approved if and only if the following tests are met: (b) as a result of the exceptional aspect of the property, the regulations produce unnecessary hardship*"
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- sign) regulation that produces an unnecessary hardship upon the Applicant and the Subject Property.
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  9. The Application and the testimony provided by the Applicant at the Hearing both suggest that financial gain/loss was not the sole determining factor of the Application.
  10. Mr. Salazar, Esq. did a thorough job of explaining the unnecessary hardship that would bestow the Applicant in the event that the variance was denied. Additionally, Mr. Gunning presented the design of the signs in a manner that suggested it would be an aesthetic complement to the building and surrounding campus.
  11. The Application, File and testimony of the Applicant at the Hearing suggest that there is no neighborhood opposition to the Application.
  12. Applicant testified at the Hearing that the yellow "Notice of Hearing" signs were posted for the required time period as articulated within City of Albuquerque Code of Ordinances § 14-16-4-2 SPECIAL EXCEPTIONS.
  13. The Applicant has adequately justified the variance Application upon the Subject Property pursuant to City of Albuquerque Code of Ordinances Section § 14-16-4-2 SPECIAL EXCEPTIONS.

**DECISION:**

**APPROVAL** of a VARIANCE of 14" to the maximum 18" letter height for a proposed sign upon the real property located at 9521 SAN MATEO BLVD NE.

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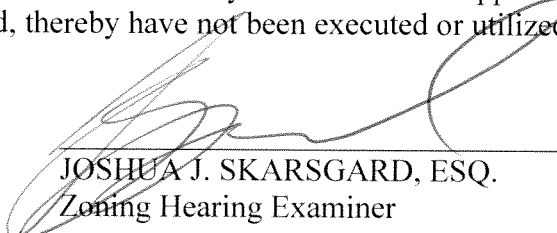
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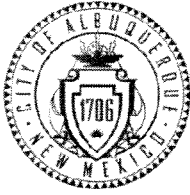
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Zoning Hearing Examiner

cc: Zoning Enforcement  
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Special Exception No:..... **12ZHE-80336**  
Project No: ..... **Project# 1009482**  
Hearing Date: ..... 11-19-12  
Closing of Public Record: ..... 11-19-12  
Date of Decision: ..... 12-06-12

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**FINDINGS:**

1. Applicant is requesting a Variance of 14" to the allowed 18" letter height for a proposed sign.
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12. Applicant testified at the Hearing that the yellow "Notice of Hearing" signs were posted for the required time period as articulated within City of Albuquerque Code of Ordinances § 14-16-4-2 SPECIAL EXCEPTIONS.
13. The Applicant has adequately justified the variance Application upon the Subject Property pursuant to City of Albuquerque Code of Ordinances Section § 14-16-4-2 SPECIAL EXCEPTIONS.

### **DECISION:**

**APPROVAL** of a VARIANCE of 14" to the maximum 18" allowed letter height for a proposed sign upon the real property located at 9521 SAN MATEO BLVD NE.

**If you wish to appeal this decision, you may do so by 5:00 p.m., on December 21, 2012 in the manner described below:**

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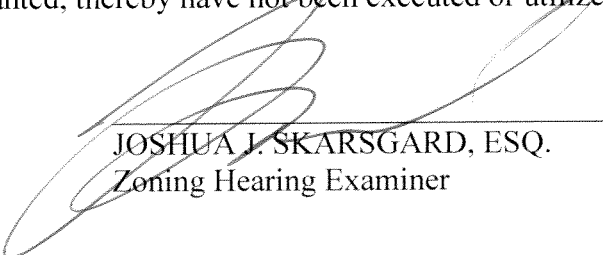
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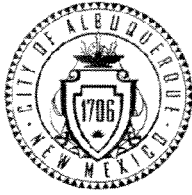
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Zoning Hearing Examiner

cc: Zoning Enforcement  
ZHE File  
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NOTIFICATION OF DECISION

PRESBYTERIAN HEALTHCARE SERVICES (JOHN P. SALAZAR) request(s) a special exception to Page 38, Paragraph E, 1 of the NORTH I-25 SECTOR DEVELOPMENT PLAN: a VARIANCE of one sign to the allowed 2 signs per tenant for a proposed sign for all or a portion of Lot(s) D-1E-1, SISTERS OF THE ORDER OF ST. DOMINIC zoned SU-2 IP-EP, located on 9521 SAN MATEO BLVD NE (B-17)

Special Exception No:..... **12ZHE-80337**  
Project No: ..... **Project# 1009482**  
Hearing Date: ..... 11-19-12  
Closing of Public Record: ..... 11-19-12  
Date of Decision: ..... 12-06-12

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**FINDINGS:**

1. Applicant is requesting a Variance of one sign to the allowed 2 signs per tenant for a proposed sign.
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### **DECISION:**

**APPROVAL** of a VARIANCE of one sign to the allowed 2 signs per tenant for a proposed sign upon the real property located at 9521 SAN MATEO BLVD NE.

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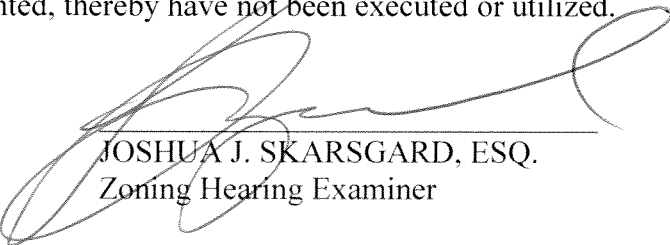
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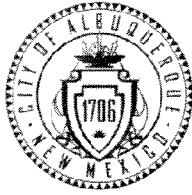
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Special Exception No:..... **12ZHE-80338**  
Project No: ..... **Project# 1009482**  
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Closing of Public Record: ..... 11-19-12  
Date of Decision: ..... 12-06-12

On the 19th day of November, 2012 (hereinafter "**Hearing**") Mr. John P. Salazar, Esq. and Mr. Chris Gunning (hereinafter "**Agent**") acting as agent on behalf of the property owner, Presbyterian Healthcare Services (hereinafter "**Applicant**") appeared before the Zoning Hearing Examiner (hereinafter "**ZHE**") requesting a VARIANCE of 18' to the allowed 30' sign height for a proposed sign (hereinafter "**Application**") upon the real property located at 9521 SAN MATEO BLVD NE ("**Subject Property**"). Below are the findings of facts:

**FINDINGS:**

1. Applicant is requesting a VARIANCE of 18' to the allowed 30' sign height for a proposed sign.
2. The City of Albuquerque Code of Ordinances Section § 14-16-4-2 (C) (2) (a) "SPECIAL EXCEPTIONS" reads in part: "*Variance. A variance shall be approved if and only if the following tests are met: (a) The property is exceptional*"
3. Applicant testified at the Hearing that the Subject Property is exceptional for the following reasons:
  - a. Exceptionality Reason #1: The parcel is irregularly positioned because it sits lower than other similarly situated properties within the North I-25 Sector Development Plan.
  - b. Exceptionality Reason #2: The parcel is substantially below grade which creates a challenge for motorists to read the signage within the Subject Property.
4. The City of Albuquerque Code of Ordinances Section § 14-16-4-2 (C) (2) (b) "SPECIAL EXCEPTIONS" reads in part: "*A variance shall be approved if and only if the following tests are met: (b) as a result of the exceptional aspect of the property, the regulations produce unnecessary hardship*"
5. Applicant testified at the Hearing that as a result of the exceptionality (site sits below grade) that Page 38, Paragraph E, 3 of the NORTH I-25 SECTOR

DEVELOPMENT PLAN creates a (30' sign height) regulation that produces an unnecessary hardship upon the Applicant and the Subject Property.

6. The City of Albuquerque Code of Ordinances Section § 14-16-4-2 (C) (2) (c) "SPECIAL EXCEPTIONS" reads in part: "*A variance shall be approved if and only if the following tests are met: (c) a particular variance is appropriate to prevent the unnecessary hardship.*"
7. Applicant testified at the Hearing that the variance Application, if approved, would be appropriate to prevent the unnecessary hardship and allow Presbyterian to adequately advertise their services to their interested patients, customers and employees.
8. The City of Albuquerque Code of Ordinances Section § 14-16-4-2 (C) (2) (d) "SPECIAL EXCEPTIONS" reads in part: "*A variance shall be approved if and only if the following tests are met: (d) financial gain or loss shall not be the sole determining factor in deciding a variance.*"
9. The Application and the testimony provided by the Applicant at the Hearing both suggest that financial gain/loss was not the sole determining factor of the Application.
10. Mr. Salazar, Esq. did a thorough job of explaining the unnecessary hardship that would bestow the Applicant in the event that the variance was denied. Additionally, Mr. Gunning presented the design of the signs in a manner that suggested it would be an aesthetic complement to the building and surrounding campus.
11. The Application, File and testimony of the Applicant at the Hearing suggest that there is no neighborhood opposition to the Application.
12. Applicant testified at the Hearing that the yellow "Notice of Hearing" signs were posted for the required time period as articulated within City of Albuquerque Code of Ordinances § 14-16-4-2 SPECIAL EXCEPTIONS.
13. The Applicant has adequately justified the variance Application upon the Subject Property pursuant to City of Albuquerque Code of Ordinances Section § 14-16-4-2 SPECIAL EXCEPTIONS.

### **DECISION:**

**APPROVAL** of a VARIANCE of 18' to the allowed 30' sign height for a proposed sign upon the real property located at 9521 SAN MATEO BLVD NE.

**If you wish to appeal this decision, you may do so by 5:00 p.m., on December 21, 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 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.

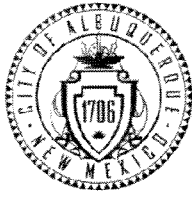
Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for 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.



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JOSHUA J. SKARSGARD, ESQ.  
Zoning Hearing Examiner

cc: Zoning Enforcement  
ZHE File  
James R. Jeppson, PO Box 26666, 87125  
John P. Salazar, PO Box 1888, 87102  
Presbyterian Healthcare Services, PO Box 26666, 87125  
Larry Caudill, 4915 Watercress NE, 87113  
Chris Gunning, 7601 Jefferson NE, 87109



CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
ZONING HEARING EXAMINER  
NOTIFICATION OF DECISION

PRESBYTERIAN HEALTHCARE SERVICES (JOHN P. SALAZAR) request(s) a special exception to Page 38, Paragraph E, 3 of the NORTH I-25 SECTOR DEVELOPMENT PLAN: a VARIANCE of 18' to the allowed 30' sign height for a proposed sign for all or a portion of Lot(s) D-1E-1, SISTERS OF THE ORDER OF ST. DOMINIC zoned SU-2 IP-EP, located on 9521 SAN MATEO BLVD NE (B-17)

Special Exception No:..... **12ZHE-80339**  
Project No: ..... **Project# 1009482**  
Hearing Date: ..... 11-19-12  
Closing of Public Record: ..... 11-19-12  
Date of Decision: ..... 12-06-12

On the 19th day of November, 2012 (hereinafter “**Hearing**”) Mr. John P. Salazar, Esq. and Mr. Chris Gunning (hereinafter “**Agent**”) acting as agent on behalf of the property owner, Presbyterian Healthcare Services (hereinafter “**Applicant**”) appeared before the Zoning Hearing Examiner (hereinafter “**ZHE**”) requesting a VARIANCE of 18' to the allowed 30' sign height for a proposed sign (hereinafter “**Application**”) upon the real property located at 9521 SAN MATEO BLVD NE (“**Subject Property**”). Below are the findings of facts:

**FINDINGS:**

1. Applicant is requesting a VARIANCE of 18' to the allowed 30' sign height for a proposed sign.
2. The City of Albuquerque Code of Ordinances Section § 14-16-4-2 (C) (2) (a) “SPECIAL EXCEPTIONS” reads in part: “*Variance. A variance shall be approved if and only if the following tests are met: (a) The property is exceptional*”
3. Applicant testified at the Hearing that the Subject Property is exceptional for the following reasons:
  - a. Exceptionality Reason #1: The parcel is irregularly positioned because it sits lower than other similarly situated properties within the North I-25 Sector Development Plan.
  - b. Exceptionality Reason #2: The parcel is substantially below grade which creates a challenge for motorists to read the signage within the Subject Property.
4. The City of Albuquerque Code of Ordinances Section § 14-16-4-2 (C) (2) (b) “SPECIAL EXCEPTIONS” reads in part: “*A variance shall be approved if and only if the following tests are met: (b) as a result of the exceptional aspect of the property, the regulations produce unnecessary hardship*”
5. Applicant testified at the Hearing that as a result of the exceptionality (site sits below grade) that Page 38, Paragraph E, 3 of the NORTH I-25 SECTOR



- DEVELOPMENT PLAN creates a (30' sign height) regulation that produces an unnecessary hardship upon the Applicant and the Subject Property.
6. The City of Albuquerque Code of Ordinances Section § 14-16-4-2 (C) (2) (c) "SPECIAL EXCEPTIONS" reads in part: "*A variance shall be approved if and only if the following tests are met: (c) a particular variance is appropriate to prevent the unnecessary hardship.*"
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  8. The City of Albuquerque Code of Ordinances Section § 14-16-4-2 (C) (2) (d) "SPECIAL EXCEPTIONS" reads in part: "*A variance shall be approved if and only if the following tests are met: (d) financial gain or loss shall not be the sole determining factor in deciding a variance.*"
  9. The Application and the testimony provided by the Applicant at the Hearing both suggest that financial gain/loss was not the sole determining factor of the Application.
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  11. The Application, File and testimony of the Applicant at the Hearing suggest that there is no neighborhood opposition to the Application.
  12. Applicant testified at the Hearing that the yellow "Notice of Hearing" signs were posted for the required time period as articulated within City of Albuquerque Code of Ordinances § 14-16-4-2 SPECIAL EXCEPTIONS.
  13. The Applicant has adequately justified the variance Application upon the Subject Property pursuant to City of Albuquerque Code of Ordinances Section § 14-16-4-2 SPECIAL EXCEPTIONS.

**DECISION:**

**APPROVAL** of a VARIANCE of 18' to the allowed 30' sign height for a proposed sign upon the real property located at 9521 SAN MATEO BLVD NE.

**If you wish to appeal this decision, you may do so by 5:00 p.m., on December 21, 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.

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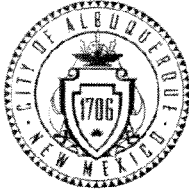
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\_\_\_\_\_  
JOSHUA J. SKARSGARD, ESQ.  
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cc: Zoning Enforcement  
ZHE File  
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CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
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Special Exception No:..... **12ZHE-80340**  
Project No: ..... **Project# 1009482**  
Hearing Date: ..... 11-19-12  
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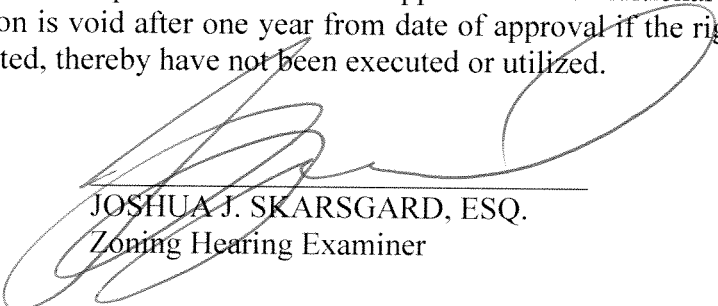
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