	CASE NO: Z.A - 79-352 DATE 14/16/79	4-79-35	DOTE 11/2	179		LEGAL LIST	PAGEO	OF /
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AEBUQUERQUE/BERNALILLO COUNTY PLANNING DEPARTMENT

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CITY OF ALBUQUERQUE, NEW MEXICO PLANNING DEPARTMENT

IND ODI	ER T	TION FOR SPECIAL EXCEPTION HE COMPREHENSIVE CITY ZONING	Expansion of Building Nonconforming as to Use Variance (indicate amount)
			Height:
heet	relate	era is a separate "Procedure" instruction d to this application.	Front Yard:
		a to the approach.	Side Yard:
	APPI	LICANT INFORMATION SPROUL ENTERPH	Other: AVARBOR OF SHEET
		SINGO COOL	
	1.	Applicant's Name: ELMER SPROVE	Phone: 883-4900
,		Mailing Address: 5/15 MeNAVL	NE. 87110
	2.	Agent (Ifany): South West Sign	Se SWILL Phone: 345-1269
	3	Mailing Address: 1525 CANOE	LARIA NE STICT
	3.	Applicant's Legal Interest in Property:	where
٠,	4.	Signature: Jeh Delath	Date: ///7/79
,	JUST	FIFICATION FOR REQUESTED SPECIAL EXCEP	4
* !	1.	Why do you want this special exception (in terms o	
	*	FRANCE FREE STANDING S	SIEDON INDIED SCHOOL ROLD
1	`, ~.	- Andrews	
٠.	2.	Is this consistent with the intent of the Zoning Cod	or Why? questionable
d	<i>.</i>		
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	3.	Will this injure adjacent property or the neighborho	od? Why? NO Breow
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	4a.	IF THIS AN EXPANSION OF A NONCONFOR deny you reasonable use of the property?	MING BUILDING, how will denial of the reques
		NO.	
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4	4b.	IETHIS IS A VARIANCE what is the green light	
д.	70.	IF THIS IS A VARIANCE, what is the exceptional request?	the state of the s
		ARROW HAS BEEN EXISTING FOR CONSIDERED A LAND MARKER NO WESTING ON STRUCTURE OF	SYMBOL. THERE WILL BE SYMBOL. THERE WILL BE OLD CENTER IS 8-1 ZONE
	LOCA	ATION OF REQUESTED SPECIAL EXCEPTION	THE CENTER IS B-1 TABLE
	-		
	1.	Legal Description	
	•	Lot(s): TRACK A	Block:
		Subdivision Name or /NDIAN PLA	AZA
		Other Legal Description:	NIT 1
	2.	Street Address (number, if any): 2101	Carliste
	C	between Coolists and Nois	Settec L Roso cross streets.
	PROJ	ECT DETAILS	
,	1.	Present Use of Property SHAPPIN	16 Conter
	2.	One accurate site plan including (a) abutting s	streets and alleys; (b) all significant structure
•		presently on the property; (c) The proposed special on adjoining property, within 25 feet of the proposed and (f) scale. Attached:	exception (including dimensions); (d) structures

ZA- 19-352

THIS SIDE FOR CITY STAFF USE ONLY

V. INTI	ERNAL DATA	//:			Section From
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W. Bonesia Andrews

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City of Albuquerque Municipal Development Department Planning Division

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the Comprehensive City Zoning Code are responsible for the posting and maintaining of one or more signs on the property which the application describes. Vacations of public right-of-way (if the way has been in use) also require signs. Waterproofed signs will be provided to you at the time you submit your application. If you mail in your application, you must still stop at the Planning Division to pick up the sign.

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to public hearing. Failure to maintain/the signs during this entire period may be cause for deferral or denial of the application. Replacement signs for those lost or damaged are available from the Planning Division at a charge of \$3.00 each.

1. LOCATION:

- a. The sign shall be conspicuously located. It shall be located within twenty feet of the public sidewalk (or edge of public street). Staff may indicate a specific location.
- b. The face of the sign shall be parallel to the street, and the bottom of the sign shall be two to seven feet from the ground.
- c. No barrier shall prevent a person from coming within five feet of the sign in order to read it.

NUMBER:

- a. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
- b. If the land does not abut a public street, then in addition to a sign placed on the property a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

PHYSICAL POSTING:

- a. A heavy stake with two crossbars or a full plywood backing works best to keep the sign in place, especially during high winds.
- Large headed nails or staples are best for attaching signs to a post or backing; the sign tears out less easily.

4. REMOVAL:

- a. The sign is not to be removed before the initial hearing on the request.
- b. The sign should be removed within five days after the initial hearing.

I have read this sheet and discussed it with the Planning Division staff. I understand (d) my obligation to keep the sign(s) posted for 15 days and (b) where the sign(s) is to be located. I am being given a copy of this sheet.

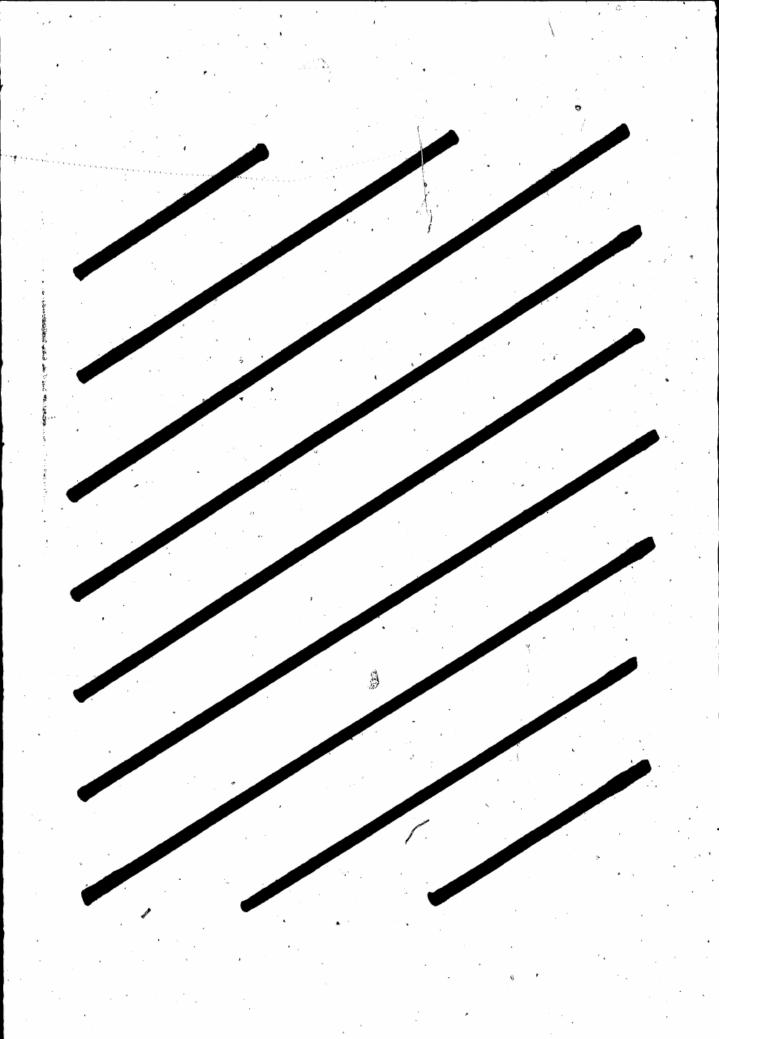
(Applicant or Agent)

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I issued \angle sign(s), for this application,

ate) (Staff Member

ZA-79-352





OFFICIAL NOTICE

DECISION ON A REQUESTED SPECIAL EXCEPTION

As provided by the Comprehensive City Zoning Code. Chapter 7, Article XIV, Revised Ordinances of Albuquerque, NM, 1974

CITY OF ALBUQUEROUE PLANNING DEPARTMENT P.O. Box 1293, Albuquerque, NM 87103

Elmer Sproul/Sproul Enterprises requests an 18 foot height

Decision No.: Hearing Date: ZA-79-352

variance and a 42 sq. ft.

Decision Date:

December 5, 1979 December 5, 1979

area variance to allow retention of the "giant arrow" sign having a height of 44 feet and an area of 142 sq. ft. and also a variance of one sign to allow two free-standing on-premise signs near Indian School

Road on Tract A, Indian Plaza Addition, Unit 1, zoned C-1 and located at 2101 Carlisle Blvd. NE. (H-16)

FINDINGS: The sign, if modified to not be illuminated and to remove all sign copy or symbols from the structure, would be in the nature of a landmark and not essentially equivalent to an on-premise sign. It is consistent with the intent and purposes of the Zoning Code and the Comprehensive Plan to allow the requested variance. This structure has existed for approximately 20 years, and its unique charg is sufficently exceptional to justify the requested variance.

. area variance and 18 foot height variance to allow DECISION: The or illumination of the structure; a variance of one sign retention of there is no is granted or illumination of the second sign near of allow this arrow structure as the second sign near will thus still be a permissive location for a new Carlisle 3 near Indian School Road, if other such signs are limited to free-stand ow and one additional sign. the subject

If you wish to appeal this decision, you may do so by December 20, 1979 in the manner described below, as excerpted from Section 45 of the Comprehensive City Zoning Code,"

Jurisdiction, Appeal is to the Planning Commission.

Application. A special exception decision is final unless appeal is initiated by application to the City on pr

Hearing and Decision. An appeal shall be heard within 60 days of its filling. The decision shall be following a public hearing. This hearing shall review carefully the previous decisions on the matter. The Planning Department shall give written notice of an appeal, with a notice of the date, time, and place of hearing to the applicant, a representative of the opponents, if any are known,

The above decision is not final and building permits dependent on it will not normally be issued until an appeal is decided or the time for filling the appeal has expired without an appeal being filed. However, if public hearing produces no objection of any kind to approval of an application, which application is approved, the Hearing Examiner may allow issuance of a building permit before 15 days. To receive this approval, the applicant agrees in writing to return related building permits if an appeal is duly filed.

Successful applicants are reminded that other regulations of the City must be compiled 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 when you apply for any related building permit or occupation tax number.

Approval of a conditional use or variance application is void after one year from date of approval if the rights and privileges granted thereby have not been executed or utilized.

John Plath Southwest Outdoor Elect. 1525 Candelaria NE 87107

Zonion Hearing Examiner

ZA MINUTES & ZA APPENDIX December 5, 1979 Page 5

9. ZA-79-350

J. D. Maes requests lot dimension variances of up to 100 feet in order to allow the platting of two lots of 63.5 x 101.5 feet and one lot of 50 x 127 feet on what is now lots 45, 46, 26, the northerly portion of lot 25, and vacated Domingo Road between Lots 25 and 26, Cavalier Addition, zoned R-3, and located at and adjacent to 245 Pennsylvania NE. (K-19)

Mr. Peterson deferred the hearing to January 2, 1980.

Tom Rhinehart was present.

10. ZA-79-351

Bellamah Corporation requests a conditional use for a temporary real estate office in connection with a specific project, the office to be located on Lot 1, Block 1, Loma Del Norte Addition, Unit 4-A, zoned R-3, and located at 7304 Calle de Oro NE. (D-19)

No one was present in opposition at the hearing concerning this item.

Speaking in Support:

Evelyn D. Jeys, agent for Bellamah Corporation, was present.

FINDINGS: The requested conditional use will not be injurious to the neighborhood or appropriate use of adjoining property and is consistent with the intent and purposes of the Zone Code and the Comprehensive Plan.

<u>DECISION</u>: .A conditional use for a real estate office in connection with a specific project, is approved as requested for a period of one year.

110 ZA-79-352

Elmer Sproul/Sproul Enterprises requests an 18 foot height variance and a 42 sq. ft. area variance to allow retention of the "giant arrow" sign having a height of 44 feet and an area of 142 sq. ft. and also a variance of one sign to allow two free-standing on-premise signs near Indian School Road on Tract A, Indian Plaza Addition, Unit 1, zoned C-1 and located at 2101 Carlisle Blvd. NE. (H-16)

No one was present in opposition at the hearing concerning this item.

Speaking in Support:

John Plath, Southwest Signs, 1525 Candelaria, was present.

FINDINGS: The sign, if modified to not be illuminated and to remove all sign copy or symbols from the structure, would be in the nature of a landmark and not essentially equivalent to an on-premise sign. It is consistent with the intent and purposes of the Zoning Code and the Comprehensive Plan to allow the requested variance. This structure has existed for approximately 20 years, and its unique character is sufficently exceptional to justify the requested variance.

ZA MINUTES & ZA APPENDIX December 5, 1979 Page 6

<u>DECISION</u>: The 42 sq. ft. area variance and 13 foot height variance to allow retention of the giant arrow are approved as requested on the conditions that there is no sign copy or illumination of the structure; a variance of one sign is granted in order to allow this arrow structure as the second sign near Carlisle Blvd. There will thus still be a permissive location for a new free-standing sign near Indian School Road, if other such signs are limited to the subject arrow and one additional sign.

12. ZA-79-353

Ken Tekin requests a nine foot height variance and a 98 sq. ft. area variance in order to allow the existing on-premise free-standing sign structure to be 35 feet high and 348 sq. ft. area at the west edge of Block 4, Clifford Business Addition (the Academy Plaza Center), zoned C-2, and located at 4410 Wyoming 51vd. NE. (G-20)

No one was present in opposition at the hearing concerning this item.

Speaking in Support:

John Plath, Southwest Outdoor Elect., 1525 Candelaria NE, was present.

FINDINGS: The proposal to add a major of sign face to this existing free-standing on-premise sign structure is contrary to the intent and purpose of the Zoning Code and the Comprehensive Plan. There is no exceptional physical condition sufficient to justify the requested variances.

<u>DECISION</u>: The requested variances are <u>denied</u>:

13. ZA-79-354 Tonie Rivas requests a conditional use for a front yard carport on the south half of Lot 4, Block 10, Eastern Addition, zoned R-1, and located at 915 Edith \$E. (K-14)

No one was present in opposition at the hearing concerning this item.

Speaking in Support:

Richard Rivas, agent for Mrs. Tonie Rivas, 1424 Brst Street NW, was present.

Mr. Peterson deferred the case to January 2, 1979, for readvertisement.

Homes by Marilynn, Inc., requests a two foot side setback variance to allow a bay window projection to extend to eight feet from the south (Burton Avenue) side lot line and the roof to overhang the bay window to extend six feet from the lot line, located on Lot 1-A, Block 1, Parkland Hills Addition, zoned R-1, and located at 509 Ridgecrest Drive SE. (L-17)

Mr. Peterson stated that he had visited the site

ZA-79-352

REQUEST PLANNING DEPARTMENT Reference ZA- 79+35 Date: ///27/79 Zoning Administrator's Hearing Scheduled on 13-05-79 TRAFFIC ENGINEER as I understand the situation, Mr. Spraul wants to retain the anow' Si'pi as a landmach w/o Advertis by 12-03-79 If you have suggestions or information about this case, please in-dicate on this form He also wants two other freeand return to Planning Department. Your Standing Sipes. cooperation is appre-

ciated.

Date request sent: 11-20-79

NOTICE OF PUBLIC HEARING ZONING HEARING EXAMINER--CITY OF ALBUQUERQUE

ALL CITIZENS AND PARTIES IN INTEREST:

Notice is hereby given that the Zoning Hearing Examiner, City of Albuquerque, will chold a <u>Public Hearing in the City Council Chambers</u>, First Floor, City Hall, 400 Marquette NW, on Wednesday, December 05, 1979, beginning at 8:30 AM, for the purpose of considering the following requests:

- ZA-77-427-1

 Robert Vera requests a five foot height variance to allow a wall up to eight feet high in the required front setback area (but 14 or more feet from the front lot line) and a four foot front set back variance to allow an addition to the house to be up to 16 feet from the front lot line on Lot 11, Block 5, Vista Larga Addition, zoned R-1, and located at 2618 Paines NE. (J-16)
- ZA-77-199-1 Bellamah Corporation requests approval of a conditional use for a temporary real estate office in connection with a specific project and a one foot height variance to permit a four foot fence in the required front yard setback area on Lots 7-13, Block 2, Heritage Hills Unit #1, zoned R-1, and located at 8401, 8405 and 8409 Ironside Ave. and 9509 and 9513 Mayflower Road. (D-20)
- ZA-78-176-1

 Bellamah Corporation requests approval of a conditional use for a temporary real estate office in connection with a specific project, the office to be on Lots 1-2, and Lots 13-16, , Block 6, Homestead Hills East, zoned R-1, and located at 4911, 4915, 4919, 5001, and 5005 Sooner Trail and 7200 and 7204 Santa Fe Trail. (0-11)
- ZA-78-217-1

 Bellamah Corporation requests approval of a conditional use for a temporary construction yard in connection with a specific construction project, the yard to be on three acres in the northwest corner of Tract X-3, Taylor Ranch Addition, zoned R-1, and located on Mojave Street near Homestead Circle, between Homestead Circle and Montano Road. (D-11)
- ZA-79-344

 Bellamah Corporation requests a conditional use for a temporary real estate office in connection with a specific development, the office to be on Lots 12-15, Block 1, Wildflower Phase 1, zoned RD, and located at 8801, 8805, 8809, and 8813 Hawthorne Court NE. (C-17)
- ZA-78-255-1

 A-Ward Homes requests approval of a temporary real estate office in connection with a specific development, the office to be on Lot 1, Block 3, Homestead Hills Addition, zoned R-1, and located at 5500 Territorial NW. (D-11)
- ZA-79-347 Hogares, Inc. and Los Padrinos requests a conditional use for a group training home on Lots 39 and 40, Block 2, Sandia Plaza Addition, zoned R-1, and located at 854 Palo Duro NW. (F-14)
- ZA-79-350

 J. D. Maes requests lot dimension variances of up to 100 feet in order to allow the platting of two lots of 63.5 k 101.5 feet and one lot of 50 x 127 feet on what is now lots 45, 46, 26, the wortherly portion of lot 25, and vacated Domingo Road between Lots 25 and 26, Cavalier Addition, zoned R43, and located at and adjacent to 245 Pennsylvania NE. (K-19)
- ZA-79-351

 Bellamah Corporation requests a conditional use for a temporary real estate office in connection with a specific project, the office to be located on Lot 1, Block 1, Loma Del Norte Addition, Unit 4-A, zoned R-3, and located at 7304 Calle de Oro NE. (D-19)

(OVER)

NOTE: THE FOLLOWING CASES WILL NOT BE HEARD BEFORE 10:00 AM; INTERESTED PARTIES NEED NOT BE PRESENT UNTIL THAT TIME.

Elmer Sproul/Sproul Enterprises requests an 18 foot height variance and a 42 sq. ft. area variance to allow retention of the "giant arrow" sign having a height of 44 feet and an area of 142 sq. ft. and also a variance of one sign to allow two free-standing on-premise signs near Indian School Road on Tract A, Indian Plaza Addition, Unit 1, zoned G-1 and located at 2101 Carlisle Blvd. NE. (H-16)

ZA-79-353

Ken Tekin requests a nine foot height variance and a 98 sq. ft. area variance in order to allow the existing on-premise free-standing sign structure to be 35 feet high and 348 sq. ft. area at the west edge of Block 4, Clifford Business Addition (the Academy Plaza Center), zoned C-2, and located at 4410 Wyoming Blvd. NE. (G-19)

ZA-79-354

Tonie Rivas requests a conditional use for a front yard carport on the south half of Lot 4, Block 10, Eastern Addition, zoned R-1, and located at 915 Edith SE. (K-14)

ZA-79-355

Homes by Marilynn, Inc., requests a two foot side setback variance to allow a bay window projection to extend to eight feet from the south (Burton Avenue) side lot line and the roof to overhang the bay window to extend six feet from the lot line, located on Lot 1-A, Block 1, Parkland Hills Addition, zoned R-1, and located at 509 Ridgecrest Drive SE. (L-17)

ZA-79-357

Comanche Dev. Group request variances to eliminate the normally required six foot solid fence and five foot buffer landscaping strip on the east and west side lot lines of Lot 7-A-1-A, Block B, Indian Acres Addition (a redivision of Tract A-1 and 7-A-2), zoned 0-1 and located 3500 Commanche Road NE. (G-16)

ZA-79-358

Western Holding Company/Candlelight Homes requests a temporary 84 sq. ft. sign area variance to allow a 184 sq. ft. free-standing off-premise sign on the southeast corner of Tract A-3, Town of Atrisco Grant, zoned C-1, and located on Redlands Road near the northwest of Redlands Road and Coors Road NW. (G-11)

ZA-79-359

J. L. Felter and Joseph M. Peterson requests a 90 percent variance in proportion of use in order to allow 100 percent of the building as expanded to be used for office and/or clinic on Lots 197 to 200, Block 17, Perfecto Armijo and Brothers Subdivision, zoned SU-2/HDA, and located at 718 Lomas Blvd. NW. (J-14)

ZA-79-360

Famous Recipe Fried Chicken requests a variance to eliminate the five foot buffer landscaping requirement which would normally be required by the rear lot line on Tract 2-A, Block 11, Eastridge Addition, Unit 4, zoned C-1, and located at 1624 Juan Tabo Blvd. NE. (J-22)

ZA-79-361

Pete Salinas requests a five space parking variance in order to allow 27 parking spaces on Lots 6 and 7, Block 5, Sombre del Monte Addition, zoned C-2, and located at 2508 Utah NE. (H-19)

ZA-79-362 .

Blue Sky Skateboard Park requests a building type variance to allow continued use of a temporary office structure which does not meet the Building Code on Lot B-1, Roadrunners Investors Land, zoned C-3, and located at 4715 McLeod Road NE. (F-17)

Details of these applications may be examined at the Planning Division of the Municipal Development Department, Room 601, City Hall, 4th and Marquette NW, between 8:00 AM and 5:00 PM, Monday through Friday.

Donald A. Peterson Zoning Hearing Examiner

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL ON TUESDAY, NOVEMBER 20, 1979.

PROPERTY OWNERSHIP LIST

ALBUQUERQUE/BERNALILLO COUNTY PLANNING DEPARTMENT

feeting Date: 12/5/74	ZA. <u>79-352</u> Z.
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Notification Radius: 160 F	eet CZCSU
Cross Reference	s
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at 201 Carlisle between	new Corner of Carliste and
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Applicant: Sproul Fruest me.	Phone: _883 4900
Address: 5115 menail WE	
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to Applicant and Agent by.	Applicant Agent
CDECIAL	INSTRUCTIONS
SPECIAL	instructions.
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Notices must be mailed from	
the City 11 Days prior to the meeting	The Following Prepared By: Initial Date
Date Mailed: 11/21/79	Property Description: 273 11/14/4
Signature:	Ownership Search:
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