

Mike Castellucci
Chair

Brian Lucas
Vice Chair



Allison Ernst
Secretary

Steve Anselmo

Yvonne Lujan-Slak

Minutes for ZBA Hearing, November 22, 2015

City Council Chambers, 1 City Hall Place

MEETING CALLED TO ORDER

The meeting was called to order at 7:05 p.m. with Chairman Castellucci presiding.

Board Members Present: Mike Castellucci, Allison Ernst, Brian Lucas, Steve Anselmo and Yvonne Lujan-Slak

Board Member Absent: None

Staff Members Present: Jerry M. Pacheco, Senior Planner; Steven Meier, Director; and Paul Willumstad, Board Attorney.

APPROVAL OF MINUTES

Motion to approve the minutes from the meeting October 27, 2015, by Anselmo, second by Lujan-Slak.

Motion passed 5 - 0

APPROVAL OF AGENDA

Motion to approve the amended agenda for November 22, 2015, by Ernst, second by Lujan-Slak.

Motion passed 5 - 0 (Case No. ZBA 15-28 continued to December 22, 2015)

REGULAR BUSINESS

Consent Agenda

No items.

Regular Agenda

ZBA-15-22 (2810 Denver Boulevard)

Special Use Permit to allow a greenhouse to be exempted from architectural compatibility requirements.

Staff Report by Jerry M. Pacheco

Applicant's request is that a recently constructed greenhouse be exempted from the accessory structure regulations requiring architectural compatibility of the structure to the home on the property. On August 26, 2015, City Code Enforcement filed a complaint to Municipal Court charging a tenant at the subject residence with one count of violating the City's marijuana home cultivation regulations. As part of this complaint, the Applicant was put on notice that the recently constructed greenhouse/accessory structure was erected in a setback and did not comply with architectural compatibility requirements. In response to the complaint, the Applicant has filed two companion requests, one variance and one special use permit, that if approved would allow the greenhouse structure to remain. The structure is 12ft x 16ft (192 square feet) and constructed of wood and clear plastic panels. The clear plastic panels that clad the greenhouse reflect sunlight and provide little screening of the materials contained inside. Unpainted, the greenhouse draws attention to itself compared to sheds or other accessory structures in the area. Staff has concerns that the structure will become an attractive nuisance in the neighborhood and does not support a waiver or exception in this case.

Applicant Terry Berman and her associate Darrell Jordan appeared and answered questions from the Board. According to the Applicant the Municipal Court Cases against her tenant living at the property have been addressed and satisfied. In other words, the marijuana plants have been removed from the greenhouse structure.

The Board discussed adding a stipulation that marijuana not be permitted to be grown in the greenhouse. Additional discussion involved the appearance of the structure and its compatibility in the neighborhood.

Commission Action:

Motion to approve with stipulation that marijuana not be permitted to be grown in the greenhouse, motion by Lujan-Slak, second by Lucas.

Motion failed 2 - 3, with Ernst, Lujan-Slak and Anselmo voting no.

ZBA-15-29 (2627 Lake Avenue)

A Special Use Permit to allow a mini storage business.

Applicant failed to appear.

Commission Action:

Motion to continue Case No. ZBA-15-29 to December 22, 2015, motion by Lujan-Slak, second by Lucas.

Motion passed 5 - 0

ADJOURN

There being no further business the meeting was adjourned at 7:39 p.m.