

Mike Castellucci
Chair

Brian Lucas
Vice Chair



Allison Ernst
Secretary

Steve Anselmo

Yvonne Lujan-Slak

Minutes for ZBA Hearing, February 23, 2016

City Council Chambers, 1 City Hall Place

MEETING CALLED TO ORDER

The meeting was called to order at 7:00 p.m. with Chairman Castellucci presiding.

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

Board Member Absent: Brian Lucas

Staff Members Present: Steven Meier, Director Community Planning Parks and Recreation; Todd Zeiller, Senior Planner; Alan Lamberg, Planner; and Paul Willumstad, Board Attorney.

APPROVAL OF MINUTES

Motion to approve the minutes from the meeting December 22, 2015, by Ernst, second by Lujan-Slak.

Motion passed 4 - 0

APPROVAL OF AGENDA

Motion to approve the agenda for February 23, 2016, by Ernst, second by Lujan-Slak.

Motion passed 4 - 0

REGULAR BUSINESS

Consent Agenda

No items.

Regular Agenda

ZBA-16-04 (217 Creston Dr.)

Variance to allow an existing garage to encroach into the front yard setback. *Continued from January 26, 2016 Hearing*

Staff Report by Todd Zeiller

Applicant Steve Cooper attended

Mr. Cooper discussed the location and construction of the garage. Code enforcement stopped construction due to the garage being placed within ten feet of the property line. The setback requirement is twenty five feet in the

R-2 zone district. Mr. Cooper admitted he made a mistake measuring. Four neighbors spoke in support of the variance.

Commission Action:

Motion to grant by Ernst, second by Anselmo.

Motion passed 3 – 1 with Lujan-Slak voting no - Standard permit conditions.

ZBA-16-06 (224 South Union Avenue)

Special Use Permit to allow a church Sundays from 9am to 1pm for up to 100 people, evening training for up to 50 people after 6pm and community meals twice a week for up to 50 people after 6pm.

Staff Report by Todd Zeiller

Applicant representative Josh Mueller attended, applicant Scott Thomas did not attend

The applicant was represented by, Josh Mueller, a Church member, and discussed the proposed location and desired use of the proposed location. Board members questioned the applicants parking lease submitted with the application. The applicant was advised they would need to revise the lease to include all of the times the parking would be in use including: Church service times, education time and meal times.

Mr. Bret Verna spoke in opposition of the application

Commission Action:

Motion to grant by Anselmo, second by Lujan-Slak.

Motion passed 4 – 0, Conditions 1 – 3 in staff report and Standard Permit Conditions.

ZBA-16-08 (Black Hills North Vista PUD)

Parcel 407000038 North Vista PUD (Black Hills Energy) Special Use Permit to allow construction of an electric substation.

Staff Report by Todd Zeiller

Applicant Cristin Cochran attended

The applicant reviewed the plans for the construction of an electric substation. She stated the substation will serve the expansion of the community in the near future, with a proposed development of a four thousand unit retirement community.

Commission Action:

Motion to grant made by Ernst second by Anselmo

Motion passed 4 – 0 Standard permit conditions 1 - 13.

ZBA-16-09 (2000 Acero Ave)

Variance to allow encroachment into the side yard setback.

Staff Report by Todd Zeiller

Applicants Rick and Barbara Kastle and Representative Darlene Horn attended

The applicants discussed the need for the variance to bring the property into compliance with the Code. The applicants own several lots adjacent to the home and wish to develop them further in the future.

Commission Action:

Motion to grant made by Ernst second by Lujan-Slak.

Motion passed 4 - 0 Standard permit conditions 1 - 13.

ZBA-16-10 (5001 N Elizabeth St)

Special Use Permit to allow the location of a mobile cigar shop.

Staff Report by Todd Zeiller

Applicant Sam Grassmick attended.

The applicant submitted a request for an interim use permit for fifty two days per year. The standard interim use permit allows the proposed use for thirty days per calendar year at one location. The code now allows for the Zoning Board of Appeals to modify this requirement. The case will be heard again in March to clarify this item and modify the permit to 52 days per year at this location.

Commission Action:

Motion to grant made by Ernst second by Lujan-Slak.

Motion passed 4 - 0 Staff Conditions in staff report 1-8 and Standard permit conditions 1 - 13.

ZBA-16-11 (1500 West Highway 50)

Special Use Permit to allow the location of a mobile cigar shop.

Staff Report by Todd Zeiller

Applicant Sam Grassmick attended.

The applicant submitted a request for an interim use permit for fifty two days per year. The standard interim use permit allows the proposed use for thirty days per calendar year at one location. The code now allows for the Zoning Board of Appeals to modify this requirement. The case will be heard again in March to clarify this item and modify the permit to 52 days per year at this location.

Commission Action:

Motion to grant made by Ernst second by Lujan-Slak.

Motion passed 4 - 0 Staff Conditions in staff report 1-8 and Standard permit conditions 1 - 13.