

Mike Castellucci  
Chair

Steve Anselmo  
Vice Chair



Yvonne Lujan-Slak  
Secretary

Brian Lucas

Rodger Ortiz

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## Minutes for September 25, 2018

City Council Chambers, 1 City Hall Place

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

**Board Members Present:** Mike Castellucci, Steve Anselmo, Yvonne Lujan-Slak, Rodger Ortiz, and Elizabeth (Lisa) Bailey.

**Board Members Absent:** None

**Staff Members Present:** Scott Hobson, Assistant City Manager for Community Investment; Bob Jagger, Board Attorney; Chelsea Stromberg, Planner; and Tasha Brackin, Senior Planner.

### ~ Approval of Minutes

Motion to approve the minutes from the meeting of August 28, 2018, by Ortiz, second by Bailey.

**Motion passed 5 - 0**

### ~ Approval of Agenda

Motion to amend the agenda for September 25, 2018, to move the following item to the regular agenda: **ZBA-18-35**

Motion by Lujan-Slak, second by Bailey. **Motion passed 5 - 0**

### CONSENT AGENDA

Motion to approve the consent agenda for September 25, 2018, as amended, by Anselmo, second by Lujan-Slak. **Motion passed 5 - 0**

### REGULAR AGENDA

Each case that follows proceeded in a uniform process as directed by Chair Castellucci. Beginning with a staff report presented by Planner Tasha Brackin or Chelsea Stromberg, then questions, if any, from the Board to staff members. Next, the applicant is sworn in by Board Attorney Bob Jagger, then the applicant states his or her name and address. The Board questions the applicant and confirms understanding of staff report and conditions for approval. Applicant may add further information, followed by further questions, if any, from the Board. Then the Board asks if anyone present in the audience will state support for the applicant, followed by those who state opposition. Then the

Board closes the public hearing and reviews findings of fact. Then the Board may motion to approve or deny the application for permit. In some cases, permits may be conditionally approved.

1. **ZBA-18-35 515 South Pueblo Boulevard (Carla Mandarich)**. A **Special Exception** to allow the zoning regulations that exist on the northern side of the lot (B-2 Zone District) to be extended up to fifty feet to the southern side of the lot as allowed under Code Section 17-1-2(8), where a district boundary line divides a lot.

Castellucci asked whether the applicant was in the audience to represent the Special Exception request. Once the applicant confirmed, from the audience, that she was present, Castellucci asked for the staff presentation, which was given by Ms. Stromberg, including one letter of opposition. Castellucci then asked for the applicant to come forward and be sworn in. **Carla Mandarich** and **Hal Mandarich** were sworn in by Mr. Jagger, who also asked them to sign in. Following such actions, **Ms. Mandarich** introduced herself and offered to answer any questions. **Ms. Mandarich** summarized the proposed rezoning. Castellucci asked the applicant if she has read the staff report, understands the conditions, and can comply with the staff conditions. **Ms. Mandarich** stated that she read the staff report, and can comply with the conditions.

Castellucci asked the audience if there was anyone attending the meeting wishing to testify in **support** of this application, and there were none.

Castellucci asked the audience if there was anyone attending the meeting wishing to testify in **opposition** to this application, and there were none. Hearing no public testimony in opposition, Castellucci requested that the secretary read the required findings statements associated with the application, and board members responded with their opinions.

**Commission Action:**

Motion to grant by Bailey, second by Ortiz.

**Motion passed 5 - 0 with standard permit conditions.**

2. **ZBA-18-33 2109 Chautard Drive (Golden Horizon Assisted Living)**. A **Special Use Permit** to operate an Assisted Living facility with more than eight (8) beds in a Mixed Residential (R-4 Zone) District.

Castellucci asked whether the applicant was present to represent this request. Once the applicant confirmed, from the audience, that she was present, Castellucci asked for the staff presentation, which was given by Ms. Stromberg. Castellucci then asked for the applicant to come forward and be sworn in. **Jo Harriman**, was sworn in by Mr. Jagger, who asked her to sign in. Following such actions, **Ms. Harriman** introduced herself and offered to answer any questions. Castellucci asked the applicant if she has read the staff report, understands the conditions, and can comply with the staff conditions. **Ms. Harriman** stated that she read the staff report and can comply with the conditions.

Castellucci asked the audience if there was anyone attending the meeting wishing to testify in **support** of this application, and there were none.

Castellucci asked the audience if there was anyone attending the meeting wishing to testify in **opposition** to this application, and there were none. Hearing no public testimony in opposition, Castellucci requested that the secretary read the required findings statements associated with the application, and board members responded with their opinions.

Having heard the statements of findings, Castellucci requested a motion on the request.

**Commission Action:**

Motion to grant by Anselmo, second by Bailey.

**Motion passed 5 – 0 with standard permit conditions.**

3. **ZBA-18-31 525 West 9th Street (Golden Gate Manor).** An **amendment to an existing Special Use Permit** to operate an Assisted Living facility with up to thirteen (13) beds in a Sub-Regional Business (B-2 Zone) District.

Castellucci asked whether the applicant was present to represent this request. Once the applicant confirmed, from the audience, that he was present, Castellucci asked for the staff presentation, which was given by Ms. Stromberg. Castellucci then asked for the applicant to come forward and be sworn in. **Jo Harriman**, was sworn in by Mr. Jagger, who asked her to sign in. Following such actions, **Ms. Harriman** introduced herself and offered to answer any questions. Castellucci asked the applicant if she has read the staff report, understands the conditions, and can comply with the staff conditions. **Ms. Harriman** stated that she read the staff report and can comply with the conditions.

Castellucci asked the audience if there was anyone attending the meeting wishing to testify in **support** of this application, and there were none.

Castellucci asked the audience if there was anyone attending the meeting wishing to testify in **opposition** to this application, and there were none. Hearing no public testimony in opposition, Castellucci requested that the secretary read the required findings statements associated with the application, and board members responded with their opinions.

Having heard the statements of findings, Castellucci requested a motion on the request.

**Commission Action:**

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

**Motion passed 5 – 0 with standard permit conditions.**

4. **ZBA-18-36 2120 West 27th Street (Raul Mena).** A **Variance** to allow an attached accessory structure (carport) to extend five (5) feet into a side-yard setback (of five feet) in a Single-Family Residential (R-2 Zone) District.

Castellucci asked whether the applicant was present to represent this request. Once the applicant confirmed, from the audience, that he was present, Castellucci asked for the staff presentation, which was given by Ms. Brackin. Castellucci then asked for the applicant to come forward and be sworn in. **Raul Mena**, was sworn in by Mr. Jagger, who asked him to sign in.

Following such actions, **Mr. Mena** introduced himself and offered to answer any questions. Castellucci asked the applicant if he has read the staff report, understands the conditions, and can comply with the staff conditions. **Mr. Mena** stated that he read the staff report and can comply with the conditions.

Castellucci asked the audience if there was anyone attending the meeting wishing to testify in **support** of this application, and there were none.

Castellucci asked the audience if there was anyone attending the meeting wishing to testify in **opposition** to this application, and two attendees volunteered. **Ms. Sandoval** and **Mr. Romero** were sworn in by Mr. Jagger, who then requested that they sign in. **Ms. Sandoval** and **Mr. Romero** own the property adjacent to the applicant. The opponents submitted Opposition Exhibit 1, photos of the conditions of their property as it relates to the applicant's existing carport. The opponents expressed concerns regarding the runoff from the applicant's carport and the negative effects it could potentially pose to their property. The opponents were thanked for their testimony and excused from the stand. The applicant was then allowed to rebut the opponent's claims. **Mr. Mena** stated that he attempted to appease the opponents' concerns prior to constructing the carport but was unsuccessful. The applicant was excused from the stand.

Having heard the statements of findings and the testimonies, Castellucci requested a motion on the request.

**Commission Action:**

Motion to grant by Lujan Slak, second by Bailey.

**Motion failed 3 - 2.**

5. **ZBA-18-37 219 North Prairie Avenue (Bernard Bredig)**. A **Variance** to allow an attached accessory structure (carport) to extend six (6) feet into a corner lot second front-yard setback (of 12 and ½ feet) in a Single-Family Residential (R-1 Zone) District.

Castellucci then asked for the applicant to come forward to represent the Variance request. Once the applicant confirmed, from the audience, that he was present, Castellucci asked for the staff presentation, which was given by Ms. Brackin. Castellucci then asked for the applicant to come forward and be sworn in. **Bernard Bredig** was sworn in by Mr. Jagger, who also asked them to sign in. Following such actions, **Mr. Bredig** introduced himself and offered to answer any questions. **Mr. Bredig** summarized the proposed accessory structure. Castellucci asked the applicant if he has read the staff report, understands the conditions, and can comply with the staff conditions. **Mr. Bredig** stated that he read the staff report and can comply with the conditions.

Castellucci asked the audience if there was anyone attending the meeting wishing to testify in **support** of this application, and there were none.

Castellucci asked the audience if there was anyone attending the meeting wishing to testify in **opposition** to this application, and there were none. Hearing no public testimony in opposition,

Castellucci requested that the secretary read the required findings statements associated with the application, and board members responded with their opinions.

**Commission Action:**

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

**Motion passed 5 – 0 with standard permit conditions.**

6.

**OLD/NEW BUSINESS**

**None**

**~ Adjourn:** Meeting adjourned at 8:22 p.m.

Minutes respectfully submitted by Chelsea Stromberg.