

Yvonne Lujan-Slak  
Chair

Steve Anselmo  
Vice Chair



Lisa Bailey  
Secretary

Mike Castellucci

Sarah French

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**Minutes for November 17, 2020**  
City Council Chambers, 1 City Hall Place

The meeting was called to order at 7:02 p.m. with Chair Anselmo presiding.

**Board Members Present:** Elizabeth (Lisa) Bailey, Sarah French, Steve Anselmo

**Board Members Absent:** Yvonne Lujan-Slak and Mike Castellucci

**Staff Members Present:** Beritt Odom, Principal Planner; Daniel Kogovsek, Board Attorney; Chelsea Stromberg, Planner; Bartholomew Mikitowicz, Planner

This meeting was held via conference call. All votes were roll call, to distinguish each speaker.

**~ Approval of Minutes**

Motion to approve the minutes from the meeting of October 27, 2020, by Bailey second by French.

**Motion passed 3-0 (Castellucci and Lujan-Slak were absent)**

**~ Approval of Agenda with Amendment**

Bailey moved to approve the agenda and move ZBA-20-47 to the review first and take the other items as they appear. The motion was seconded by French. Motion passed 3-0 (absent Yvonne Lujan-Slak and Mike Castellucci)

Bailey moved to amend the agenda and continue ZBA-20-35 and ZBA-20-39 to the December 15, 2020 hearing of the Zoning Board of Appeals. The motion was seconded by French.

**Motion passed 3 - 0 (Lujan-Slak and Castellucci absent)**

**REGULAR AGENDA**

Each case that follows proceeded in a uniform process as directed by Vice-Chair Anselmo. Beginning with a staff report presented by the Planner assigned, then questions, if any, from the Board to staff members. Next, the applicant is sworn in by Board Attorney Daniel Kogovsek, 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 Chair asks if anyone present in the audience will state support for the applicant, followed by those who state opposition. Then the Chair 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-20-47 SPECIAL USE PERMIT 4235 PARKHILL PLACE (Steel City Solar) A Special Use Permit to allow for a ground mounted solar array in a Multiple-Residential and Office (R-5) Zone District.**

Anselmo asked whether the applicant was in the audience to represent the request. Once the applicant confirmed, from the audience, that they were present, Anselmo asked for the staff presentation, which was given by Mr. Mikitowicz.

The subject property is located on a 24.16-acre parcel of land in the Parkhill Subdivision found in the northern quadrant of the city. The Parkhill Baptist Church is the principle structure on the land built in 2002. The church is seeking to install three (3) 87'x 12' ground mounted solar arrays in 3,132 sqf of the southeast corner of the property, which sits lower on the property topographically than the principle structure.

According to Sec. 17-4-51 (c) (138), a solar array is a conditional use in a R-5 (Multiple Residential and Office District). Those conditions are found in Sec. 17-4-51 (e) (50) a., they state "Building mounted only or one (1) detached if no other detached accessory structures. If detached must comply with accessory structure ordinance."

When looking at detached accessory structure ordinance is in Sec. 17-4-23, it is clear that the project does not meet multiple requirements in this section including: 17-4-23 (c)(1), No detached accessory structure or combination of structures shall exceed fifteen percent (15%) of the lot area, up to a maximum of one thousand five hundred (1,500) square feet, or one hundred percent (100%) of the footprint of the principal structure, whichever is smaller; 17-4-23 (c) (2), only one (1) detached accessory structure larger than two hundred (200) square feet shall be permitted for each principal structure on the building site; 17-4-23 (c)(5)a., Structures larger than two hundred (200) square feet, or higher than ten (10) feet at the highest point shall be architecturally compatible with the principal structure.

Therefore, after reviewing the plans, the Planning Department determined that the applicant could not meet the conditions of section 17-4-51 (c) 138. However, the code states that if conditions can't be met they can apply for a Special Use Permit.

Anselmo then asked for the applicant to be sworn in. **Douglas Cox** (Paster of Parkhill Baptist Church) and **Jerika Shrontz** (Steel City Solar) was sworn in by Mr. Kogovsek. Following such actions, the applicant introduced himself and offered to answer any questions. **Mr. Cox** summarized the proposed Special Use Permit. Mr.Kogovsek asked the applicant if the applicants have read the staff report, understand the conditions, and can comply with the staff conditions. **Ms. Shrontz and Mr. Cox** stated that they have read the staff report and can comply with the conditions. Mr. Kogovsek asked if there was anyone in the audience wishing to speak in favor of the application, there was Jim Torres he just stated that he echos what MR. Cox has said. Mr. Kogovsek asked if there was anyone wishing to speak in opposition of the application, there were none. The public hearing was then closed.

**Commission Action:**

Motion to grant by Bailey. The motion was seconded by French.

**Motion passed 3-0 ( Castellucci and Lujan-Slak were absent)**

- 2. ZBA-20-35 VARIANCE 4025 Lucille St. (Randal Wills) A Variance to allow two shipping containers in a Central Business (B-4 Zone) District.**

The applicant requested continuation until all members of the zoning board are present.

Bailey moved to amend the agenda and continue ZBA-20-35 and ZBA-20-39 to the December 15, 2020 hearing of the Zoning Board of Appeals. The motion was seconded by French.

**Motion passed 3 - 0** (Lujan-Slak and Castellucci absent)

- 3. ZBA-20-39 Limited Use Permit 4025 Lucille St. (Randal Wills) A Limited Use Permit to allow an outdoor storage facility in a Central Business (B-4 Zone) District.**

The applicant requested continuation until all members of the zoning board are present.

Bailey moved to amend the agenda and continue ZBA-20-35 and ZBA-20-39 to the December 15, 2020 hearing of the Zoning Board of Appeals. The motion was seconded by French.

**Motion passed 3 - 0** (Lujan-Slak and Castellucci absent)

- 4. ZBA-20-46 VARIANCE 3107 Adrian Ave (Premier Homes) A Variance to reduce the front yard setback from fifteen (15) feet to thirteen (13) feet in a Multiple Residential and Office (R-5 Zone) District.**

Anselmo asked whether the applicant was in the audience to represent the request. Once the applicant confirmed, from the audience, that they were present, Anselmo asked for the staff presentation, which was given by Ms. Stromberg.

The applicant is requesting a variance to allow a two (2) foot encroachment into the required fifteen (15) foot rear yard setback on a newly finished single-family residence in a Multiple Residential and Office (R-5 Zone) District. City Staff noted the discrepancy during inspection for a Certificate of Occupancy. The structure was not built in accordance with the approved plans, which note a fifteen-foot rear yard setback as required by P.M.C. Sec. 17-4-3. The addition of a covered patio, which was not on the approved plans, is the only encroachment.

The minimum yard setbacks provide minimum separation distance between residences to ensure light and safety for all residences. As a policy, when a home appears to fail an inspection, Staff asks the builder to provide a copy of the mortgage lender's required Improvement Location Certificate (ILC) from a surveyor to address the measurement in question. After Staff noted the deficient rear yard setback, the builder was contacted and agreed to apply for a variance.

The subject property is an irregularly shaped lot, which could be considered a hardship, however, the approved plans provided the minimum required setbacks.

Anselmo then asked for the applicant to be sworn in. **Aggie Pannunizio** was sworn in by Mr. Kogovsek. Following such actions, the applicant introduced himself and offered to answer any questions. **Mr. Pannunizio** summarized the proposed Variance. Anselmo asked

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the applicant if he read the staff report, understand the conditions, and can comply with the staff conditions. **Mr. Pannunizio** stated that he read the staff report and can comply with the conditions. Anselmo asked if there was anyone in the audience wishing to speak in favor of the application, there were none. Anselmo asked if there was anyone wishing to speak in opposition of the application, there were none. The public hearing was then closed.

**Commission Action:**

Motion to grant by Bailey. The motion was seconded by French.

**Motion passed 3-0 (Castellucci and Lujan-Slak were absent)**

Bailey moved to amend the agenda and continue ZBA-20-35 and ZBA-20-39 to the December 15, 2020 hearing of the Zoning Board of Appeals. The motion was seconded by French.

**Motion passed 3 - 0** (Lujan-Slak and Castellucci absent)

~ **Adjourn:** Meeting adjourned at 8:15 p.m.

Minutes respectfully submitted by Chelsea Stromberg.