

Mike Castellucci
Chair

Steve Anselmo
Vice Chair



Yvonne Lujan-Slak
Secretary

Lisa Bailey

Sarah French

Minutes for April 27, 2021

City Council Chambers, 1 City Hall Place

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

Board Members Present: Mike Castellucci, Elizabeth (Lisa) Bailey, and Steve Anselmo

Board Members Absent: Yvonne Lujan-Slak and Sarah French

Staff Members Present: Scott Hobson, Acting Director for Department of Planning and Community Development; Beritt Odom, Principal Planner; Daniel Kogovsek, Board Attorney; Bartholomew Mikitowicz, Planner; and Chelsea Stromberg, Senior Planner.

~ Approval of Minutes

Motion to approve the minutes from the meeting of February 23, 2021, by Bailey second by Anselmo.

Motion passed 3- 0. (Yvonne Lujan-Slak and Sarah French were absent)

~ Approval of Agenda

Anselmo moved to approve the agenda. The motion was seconded by Bailey.

Motion passed 3 - 0. (Yvonne Lujan-Slak and Sarah French were absent)

REGULAR AGENDA

Each case that follows proceeded in a uniform process as directed by Chair Castellucci. Beginning with a staff report presented by Planner Chelsea Stromberg, 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 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-20-11 1605 S Pueblo Blvd Extension of Special Use Permit (John Walsea, Nexius) A Special Use Permit to allow a telecommunication facility in a Multiple-Residential and Office (R-5) Zone District.

Castellucci asked whether the applicant was in the audience to represent the request. Once the applicant confirmed, from the audience, that they were present, Castellucci asked for the staff presentation, which was given by Ms. Stromberg. The public hearing was then closed.

Commission Action:

Motion to grant with staff conditions by Anselmo, second by Bailey.

Motion passed 3-0. (Yvonne Lujan-Slak and Sarah French were absent)

2. ZBA-21-01 318 Minnequa Ave. Special Use Permit (Nassir A. Wared) A Special Use Permit to allow for a Gas Station in a Neighborhood Business (B-1) Zone District.

Castellucci asked whether the applicant was in the audience to represent the request. Once the applicant confirmed, from the audience, that they were present, Castellucci asked for the staff presentation, which was given by Mr. Mikitowicz. Castellucci then asked for the applicant to come forward and be sworn in. Nassir Wared was sworn in by Mr. Kogovsek, who also asked him to sign in. Following such actions, the applicant introduced himself and offered to answer any questions. Castellucci asked the applicants if they read the staff report, understand the conditions, and can comply with the staff conditions. **Mr. Wared** stated that he read the staff report and can comply with the conditions. Mr. Castellucci asked if there was anyone in the audience wishing to speak in favor of the application, there were none. Mr. Castellucci 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 with staff conditions by Anselmo, second by Bailey.

Motion passed 3-0. (Yvonne Lujan-Slak and Sarah French were absent)

3. ZBA-21-02 612 Van Buren Street Variance (Todd Mihelich) A Variance to allow for a zero (0') foot rear-yard setback in a Single Family Residential (R-2) Zone District.

Castellucci asked whether the applicant was in the audience to represent the request. Once the applicant confirmed, from the audience, that they were present, Castellucci asked for the staff presentation, which was given by Mr. Mikitowicz. Castellucci then asked for the applicant to come forward and be sworn in. Mark Mihelich was sworn in by Mr. Kogovsek, who also asked him to sign in. Following such actions, the applicant introduced himself and offered to answer any questions. Castellucci asked the applicants if they read the staff report, understand the conditions, and can comply with the staff conditions. **Mr. Mihelich** stated that he read the staff report and can comply with the conditions. Mr. Castellucci and Mr. Kogovsek asked about the language of the easement. Mr. Mihelich stated that he has a lawyer ready and a surveyor ready once this case gets approved then they will finalize the easement. Mr. Castellucci asked if there was anyone in the audience wishing to speak in favor of the application, there were none. Mr. Castellucci 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 with staff conditions and added condition that the applicant would have to apply for a new variance if the structure was removed or if they added to the structure would need a new variance by Anselmo, second by Bailey.

Motion passed 3-0. (Yvonne Lujan-Slak and Sarah French were absent)

4. **ZBA-21-03 1944 Beulah Ave. Special Use Permit (Carol Smith) A Special Use Permit to allow for a Duplex in a Single Family Residential (R-2) Zone District.**

Castellucci asked whether the applicant was in the audience to represent the request. Once the applicant confirmed, from the audience, that they were present, Castellucci asked for the staff presentation, which was given by Mr. Mikitowicz. Castellucci then asked for the applicant to come forward and be sworn in. Carol Smith was sworn in by Mr. Kogovsek, who also asked her to sign in. Following such actions, the applicant introduced herself and offered to answer any questions. Castellucci asked the applicants if they read the staff report, understand the conditions, and can comply with the staff conditions. **Ms. Smith** stated that she read the staff report and can comply with the conditions. Mr. Castellucci asked if there was anyone in the audience wishing to speak in favor of the application, there were none. Mr. Castellucci 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 with staff conditions by Bailey, second by Anselmo.

Motion passed 3-0. (Yvonne Lujan-Slak and Sarah French were absent)

5. **ZBA-21-04 701 W 8th Street Special Use Permit (Minnequa Works Credit Union) A Special Use Permit to allow for General Service (Center of Exploration & Discovery, Inc.) in an Industrial (I-2 Zone) District.**

ZBA-21-05 will be continued to March 25,2021 hearing.

6. **ZBA-21-05 1301 Berkley Ave. Special Use Permit (Richard Sabb) A Special Use Permit to allow for a Residence, one-family in a Subregional Business (B-2) Zone District.**

Castellucci asked whether the applicant was in the audience to represent the request. Once the applicant confirmed, from the audience, that they were present, Castellucci asked for the staff presentation, which was given by Mr. Mikitowicz. Castellucci asked why this applicant would need a special use permit if the building was already established as a residence. Ms. Odom answered the need for a special use permit came up because when Mr. Sabb wanted to make the main floor residential instead of commercial. The upstairs was already apartments it was just because the main floor was commercial it needed a special use permit. Castellucci then asked for the applicant to come forward and be sworn in. Richard Sabb was sworn in by Mr. Kogovsek, who also asked him to sign in. Following such actions, the applicant introduced himself and offered to answer any questions. Castellucci asked the applicants if they read the staff report, understand the conditions, and can comply with the staff conditions. **Mr. Sabb**

stated that he read the staff report and can comply with the conditions. Mr. Castellucci asked if there was anyone in the audience wishing to speak in favor of the application, there were none. Mr. Castellucci 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 with staff conditions by Bailey, second by Anselmo.

Motion passed 3-0. (Yvonne Lujan-Slak and Sarah French were absent)

7. ZBA-21-07 Lot 2 Gredig Subdivision Special Use Permit (James F. Kasic II) A Special Use Permit to allow Storage Facility-Self Storage in a (B-4) Central Business District Zone District.

Castellucci asked whether the applicant was in the audience to represent the request. Once the applicant confirmed, from the audience, that they were present, Castellucci asked for the staff presentation, which was given by Ms. Odom. Castellucci then asked for the applicant to come forward and be sworn in. David Sanchez and Scott Cobb was sworn in by Mr. Kogovsek, who also asked him to sign in. Following such actions, the applicant introduced himself and offered to answer any questions. Castellucci asked the applicants if they read the staff report, understand the conditions, and can comply with the staff conditions. **Mr. Sanchez and Mr. Cobb** stated that he read the staff report and can comply with the conditions. Mr. Anselmo asks if they will have a fence and a security system? Mr. Sanchez answered yes. Mr. Castellucci asked if the entrance will be off Elizabeth? Mr. Sanchez answered the entrance will not be off Elizabeth. Mr. Castellucci asked if there was anyone in the audience wishing to speak in favor of the application, there were none. Mr. Castellucci 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 with staff conditions and standard permit conditions by Anselmo, second by Bailey.

Motion passed 3-0. (Yvonne Lujan-Slak and Sarah French were absent)

8. ZBA-21-08 2039 Alma Ave. Variance (Jason Casados, Vapor Source) A Variance to reduce the required distance between a building in a (BP) Zone District and residential use zone districts.

Castellucci asked whether the applicant was in the audience to represent the request. Once the applicant confirmed, from the audience, that they were 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. Jason Casados was sworn in by Mr. Kogovsek, who also asked him to sign in. Following such actions, the applicant introduced himself and offered to answer any questions. Castellucci asked the applicants if they read the staff report, understand the conditions, and can comply with the staff conditions. **Mr. Casados** stated that he read the staff report and can comply with the conditions. Mr. Castellucci asked if there was anyone in the audience wishing to speak in favor of the application, there were none. Mr. Castellucci 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 with staff conditions by Bailey, second by Anselmo.

Motion passed 3-0. (Yvonne Lujan-Slak and Sarah French were absent)

9. **ZBA-21-09 2403 Denver Blvd. Variance (Kit Chapiewsky) A Variance to allow an accessory structure (garage) to exceed the maximum size limitation.**

Castellucci asked whether the applicant was in the audience to represent the request. Once the applicant confirmed, from the audience, that they were 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. Kit Chapiewsky was sworn in by Mr. Kogovsek, who also asked her to sign in. Following such actions, the applicant introduced herself and offered to answer any questions. Castellucci asked the applicants if they read the staff report, understand the conditions, and can comply with the staff conditions. **Ms. Chapiewsky** stated that she read the staff report and can comply with the conditions. Mr. Castellucci asked if there was anyone in the audience wishing to speak in favor of the application, there were none. Mr. Castellucci 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 with staff conditions by Bailey, second by Anselmo.

Motion passed 3-0. (Yvonne Lujan-Slak and Sarah French were absent)

OLD/NEW BUSINESS

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

Minutes respectfully submitted by Chelsea Stromberg.