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**MEETING DATE:** Thursday, December 10, 2009  
**MEETING TIME:** 7:30 a.m.  
**MEETING LOCATION:** City Council Chambers, 125 East 3<sup>rd</sup> Street, Salida, CO

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**Present** D. Heigele, S. Whittington, W. McAninch, K. Karnuta, D. Thomas, D. MacDonald, M. Yerman, K. Jefferson  
**Absent:** S. Tucker

**I. CALL TO ORDER-** Whittington called the meeting to order at 7:34 a.m.

**II. APPROVAL OF THE MINUTES - Thomas,** made a motion to approve the minutes of the November 12, 2009 meeting. **Karnuta,** seconded the motion. All were in favor.

**III. UNSCHEDULED CITIZENS - There were no unscheduled citizens.**

**IV. AMENDMENT (S) TO AGENDA**

There were no changes to the agenda. **Whittington** is representing Slous and recused herself.

**V. PUBLIC HEARINGS**

**1. Slous Variance Application –908 D Street -** This is a continuation of the November 12, 2009 Board of Adjustment meeting. The applicant is requesting to receive a variance from the minimum setback of five (5) feet required for a side yard setback and a variance from the minimum setback of twenty (20) feet required for the rear yard setback for a primary structure. The applicant is requesting a minimum allowed side yard setback of zero (0) feet and a minimum allowed rear yard setback of zero (0) feet to build an addition above a primary structure.

**A. Open Public Hearing- 7:45**

**B. Proof of Publication - Yes**

**C. Staff Review of Application – Yerman**

**D. Applicant’s Presentation –Sarah Whittington, representing the applicant,** explained that her client would like to continue this hearing the January meeting to explore his options.

**E. Public Input -**

**F. Close Public Hearing - 8:01 am**

**G. Commission Discussion –**

**H. Commission Action -** A motion was made by **Thomas** to continue this application to the January 14<sup>th</sup> meeting. **Heigele** seconded the motion. All were in favor **THE MOTION CARRIED.**

**2. Crestone Heights Variance Application –500 Crestone Ave -** The request is to receive a variance from the minimum setback of three (3’) feet required for a side yard setback for an accessory structure. The applicant is requesting a minimum allowed setback one (1) foot from the side lot line to extend a solar panel into the setback off an accessory structure.

**A. Open Public Hearing- 7:37**

**B. Proof of Publication - Yes**

**I. Staff Review of Application – Yerman** summarized the staff report and stated that there are no special circumstances on the vacant site and staff recommended denial.

**J. Applicant's Presentation –Greg Follet, representing the applicant,** explained that the Chaffee Housing Trust Board understands that they will be creating the variance but they would like to have as much renewable energy for the affordable housing project as possible. **Follet** showed the effects of the shading of the solar panels and the need to erect the solar panels over as far as they can and explained that they need to extend the panel not the structure. **Thomas** asked how the neighboring property would be affected. **Follet** said that Karen Karnuta owns the vacant lot next to the Trust's site and her structure will be setback enough that the solar panel will not be affected. **Thomas** asked about roof top alternatives and **Follet** said that the roof top panels are costly. **Thomas** asked about the locations and **Follet** stated that they have an alternate site at the rear of the property based on affordability. **Heigele** asked about all of the panels shown on the application and **Follet** stated that they wanted to show alternate sites but the alternates were not the preferred sites.

**K. Public Input – Karen Karnuta, 668 West Sackett, Owner of 506 Crestone.** Requested that the board deny this application because she doesn't want the panels close to her new property. She said that she was denied a variance in the past because her neighbors did not want her to encroach into the setback and if the Board approved this application they would be setting precedence. **Karnuta** stated that there is no hardship and there is plenty of room to put the panels.

**L. Close Public Hearing - 7:52 am**

**M. Commission Discussion – Whittington** asked about encroaching the setback and **Macdonald** said that eaves are allowed to encroach into the setback 18". **Heigele** stated that in the past the Board approved a variance application for a covered porch because the property owner had no shade and she thought that this is a similar situation. **Thomas** asked **Follet** if they could move the shed and have the eave of the shed encroach 18" and **Follet** said that he thought they could. **Whittington** stated that the eave would have to be fire rated if it encroached into the setback but that would give the Trust 6" to play with.

**Heigele** asked why they wanted to put this solar structure where they are requesting. **Follet** said that they wanted to optimize the open space of the lot. **Thomas** asked if they moved the solar structure to the east would it affect the driveway configuration and **Follet** said that he would have to look into it. **Yerman** explained that unit 1 is the unit that is casting the shadow and they could move the unit 6" for the solar structure to be within their setback. **Whittington** asked about all three solar structures and if they would all be used and **Follet** said yes.

**N. Commission Action -** A motion was made by **Thomas** to deny this application.

**McAninch** seconded the motion. All were in favor THE MOTION CARRIED.

## **VI. UNFINISHED BUSINESS- None**

## **VII. NEW BUSINESS-None**

**VIII. BOARD COMMENTS- Thomas** asked how the City of Salida could pursue a code for solar access and explained that in the City of Denver code they have solar plane access. **MacDonald** stated that we could add something in our Land Use Code but we will not be making any code changes until we are done with the Comprehensive Plan.

## **IX. Adjourn.**

The meeting was adjourned at 8:03am.