

**Minutes**  
**Design Review Board**  
**GOTO MEETING**  
**February 3, 2021, at 5:30 PM**  
**City of Bisbee, 76 Erie Street,**  
**Bisbee, Arizona 85603**

**The Meeting Called to Order by BEN LEPLEY at 5:30PM**

**Roll Call-Board Members**

<b>Design Review Board</b>	<b>Present</b>	<b>Absent</b>	<b>Excused</b>
Peter Gaffer	<b>X</b>		
Stephan Green	<b>X</b>		
Yvette Ponte	<b>X</b>		
Scot Perfect	<b>X</b>		
Linda Santellanes	<b>X</b>		
Ben Lepley, Chair	<b>X</b>		
Shawn DeCraemer, Vice Chair	<b>X</b>		
Frank Davis , City Council Liaison	<b>X</b>		
Theresa Coleman, Staff Liaison	<b>X</b>		

**GOTO MEETING PLATFORM**

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**The staff would like to inform all applicants**

- 1. That all applications on this DRB agenda will require a building permit or a sign permit.**
- 2. That Design Review Board approval does not necessarily reflect the views and policies of the State Historic Preservation Office, which controls decisions impacting tax status of designated contributing historic properties. Please review SHPO’s polices. If necessary, contact them directly before making any exterior changes to your property.**

**The intent of the Design Review process as applied within the Bisbee Historic District is to:**

- A. Improve and encourage uses leading to the conservation and/or rehabilitation of buildings, structures, sites, objects and spaces within the Historic District, while allowing for a vibrant, creative and livable community.**
- B. Encourage harmonious growth and orderly development.**
- C. Assure that future setting, design and construction will correspond to and enhance the visual characteristics of the district.**
- D. Prevent construction, alteration or remodeling from occurring in a manner that would be detrimental to the historical or visual characteristics of the district.**

**CALL TO THE PUBLIC:** *Residents* of the City of Bisbee may speak at this time regarding Design Review Board topics that **ARE NOT ON THE AGENDA**

(Please note that the public may address the Board regarding individual items on this agenda following the applicant’s initial presentation of their agenda item)

Speaking time limits will be observed during the Call to the Public, the speaking time limit is three (3) minutes per person.

**GOING FORWARD THE FORMAT THAT IS DONE BELOW WILL BE ADHERED TO DURING THE DESIGN REVIEW BOARD MEETINGS.**

**Mr. Lepley, moved that new business would be before old business  
Second: Ms. Santellanes. MOTION PASSED: UNANIMOUSLY**

**NEW BUSINESS**

**Agenda Item 5.**

Application 21-01 Bisbee Residential Historic District, Contributing Property Bi-28 located at 30 Main Street, Applicant Craig Reece/ Anne Bush; Representative Brian Hope.

The application is seeking approval to construct a 2<sup>nd</sup> floor balcony; engineered steel supports, light gauge steel framing, steel/iron balustrade, wood fascia and rail cap.

The 300ft. Notification went out on January 13, 2021.

At the time this agenda was put together there were no public comments received for this application.

Pursuant to Bisbee Zoning Code Article 3.5.2.A, the property owner is required to obtain approval from the DRB prior to the change of any building's exterior feature.

**Representative Brian Hope spoke regarding this application for his clients to the Board and answered questions regarding.**

**Mr. Lepley asked about fire escape.**

**Mr. Hope noted it was 13.5ft. from the ground.**

**Mr. Gaffer stated that it was a bold move and hoped it brings improvements to Commerce Street.**

**Ms. Ponte asked about the property line and asked if a variance needed.**

**Mr. Hope noted that the plan meets building code for fire safety.**

**Mr. Green agrees with the general opinion that there was a similar structure there in the past.**

**MOTION: Mr. Gaffer moved to approve application 21-01 as submitted.**

**SECOND: Mr. DeCraemer MOTION PASSED: 6/1 (Ponte)**

**Agenda Item 6. (ADMINISTRATIVE APPROVAL 2/1/2021 PLAN CHANGE FOR RETAINING)**

Application 21-03 Bisbee Residential Historic District, Non-Contributing Property #71 located at 206 Ok Street, Applicant Monika Patience; Representative Luke Oldfield.

The application is seeking approval to pour new retaining wall creating parking spot, railing and 4" slab.

Pursuant to Bisbee Zoning Code Article 3.5.2.A, the property owner is required to obtain approval from the DRB prior to the change of any building's exterior feature.

**This item was given administrative approval on 2/1/2021 (Plan Change for Railing).**

**Agenda Item 7.**

Application 21-04 Bisbee Residential Historic District, Contributing Property #21 located at 221 Brewery Avenue, Applicant Shawn DeCraemer; Representative Tucson Solar.

The application is seeking approval to replace roof and to install solar panels.

Zoning Code Article 6.15(C) this installation as proposed will require a public hearing and neighborhood notification since it does not meet the design standards of this article.

The 300ft. Notification went out on January 13, 2021.

Public Comment: 1 (one) Public Comment in favor.

Pursuant to Bisbee Zoning Code Article 3.5.2.A, the property owner is required to obtain approval from the DRB prior to the change of any building's exterior feature.

**Mr. DeCraemer recused himself.**

**Mr. Daniel Fousse with Tucson Solar Pros, stated that they would stay with the pitch of the roof, if they have to tilt it would be a couple inches above the roof at a 15-degree angle if needed, there will be twelve panels. Conduit painted to match the house with two small boxes next to breaker box.**

**Ms. Santellanes asked about the pitch of the roof.**

**Mr. Gaffer noted it was 20-degrees.**

**Mr. Fousse noted that the panels will mount flush, because the pitch was more than 10 degrees, about two inches above the roof line, with no tilt or pitch.**

**Mr. Lepley asked if both strings of panels would be facing south or east.**

**Mr. DeCraemer stated they would be facing east.**

**Mr. Gaffer understood all metal would be replaced with like for like.**

**Mr. DeCraemer noted it would have rusted look, also want to bring eaves to 9”.**

**Mr. Gaffer noted the letter of support in packet.**

**MOTION: Mr. Green moved to approve application 21-04 as presented.**

**SECOND: Mr. Gaffer            MOTION PASSED: UNANIMOUSLY**

**Agenda Item 8.**

Application 21-06 Bisbee Residential Historic District, Contributing Property #693 located at 809 Tombstone Canyon, Applicant Linda Santellanes; Representative Brian Hope.

The application is seeking approval for a complete rebuild/ restoration of the veranda; replacement of windows/doors to original state.

Pursuant to Bisbee Zoning Code Article 3.5.2.A, the property owner is required to obtain approval from the DRB prior to the change of any building's exterior feature.

**Ms. Santellanes recused herself.**

**Ms. Santellanes spoke regarding her application to the Board and answered questions regarding.**

**Renovate and remodel at the same time and wanted to add:**

- 1. Double hung window to bathroom- tempered**
- 2. Original door to replace window**
- 3. Use window to replace door and side light**
- 4. Reuse existing columns and railings**

**Mr. Hope noted that the veranda needed to be rebuilt.**

**Mr. Lepley liked that the columns are being reused and that the drawings were clear.**

**MOTION: Mr. DeCraemer moved to approve application 21-06 as is.**

**SECOND: Mr. Lepley      MOTION PASSED: UNANIMOUSLY**

**Agenda Item 9.**

Application 21-07 Bisbee Residential Historic District, Contributing Property #571 located at 318 Tombstone Canyon, Applicant Donna Burke; Representative Johnny Rabey.

The application is seeking approval to replace upper bad windows and doors with single hung windows and metal panel doors. Areas of siding replaced to match existing and replacing slider on one side of the building, lower part of building already has vinyl windows.

Pursuant to Bisbee Zoning Code Article 3.5.2.A, the property owner is required to obtain approval from the DRB prior to the change of any building's exterior feature.

**Ms. Burke spoke regarding her application to the Board and answered questions regarding.**

**Her first desire was to use existing windows. Front windows have six panels each. As well as other window replacements.**

**Mr. Ward, Building Inspector noted that front windows are defining features.**

**Mr. Lepley shared photos that Ms. Williams, Deputy City Clerk forwarded to the Board members, were new vinyl windows are fairly new.**

**Ms. Burke noted that she had windows replaced last year without approval.**

**Mr. Lepley noted that they are installed incorrectly.**

**Mr. DeCraemer felt materials list was lacking.**

**Mr. Gaffer suggested interior storm window.**

**Ms. Burke agreed she would accept that.**

**Mr. DeCraemer reminded that approval was needed before any exterior modification.**

**Ms. Ponte added that changing original windows would be inappropriate. Needed to submit more details before approval and understood that the windows and doors were historic.**

**Mr. DeCraemer didn't feel there was enough information, prefers to table for 30 days.**

**Mr. Ward, Building Inspector recommended that the Design Review Board Approve windows on the east.**

**MOTION: Mr. DeCraemer moved to only replace slider window and windows on east side and deny remaining application.**

**SECOND: Mr. Ponte**

**MOTION PASSED: 6/1 (Santellanes)**

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**Mr. Perfect asked a question regarding item 6; Application 21-03.**

**The Board discussed the administrative approval.**

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**Agenda Item 10.**

Approval of the Minutes of the January 6, 2021 meeting.

**MOTION: Mr. Lepley moved to approve the minutes of the January 6, 2021 meeting.**  
**SECOND: Ms. Perfect** **MOTION PASSED: UNANIMOUSLY**

**Agenda Item 11.**

Review and Discussion regarding amending Zoning Code Article 6 General Provisions; 6.4 Walls and Fences to include fencing for sporting and non-inclusive windscreens.

**Mr. DeCraemer asked that it read “non-obstructive”.**

**Mr. DeCraemer addressed the debate regarding amending the Zoning Code to include windscreens.**

**Mr. Lepley noted that defining “obstructive”: as not blocking historic corridor’s. Upholding the Interiors definition, he thought the Board would be very much in keeping with that.**

**Mr. DeCraemer noted that they wanted to see the City grow, but at the same time we have to uphold the National Park guidelines.**

**Mr. Lepley commented on adding into the commercial section regarding fences and walls.**

**Mr. Gaffer asked to table pending development of language for the next meeting agenda in March.**

**Agenda Item 12.**

Review of Open Meeting Law:

<https://www.azoca.gov/wp-content/uploads/Open-Meeting-Law-Booklet-2020.pdf>

The link provided is for the Arizona Open Meeting Law Booklet.

**The Arizona Open Meeting Law Booklet Table of Contents:**

Part I Arizona Revised Statutes

Part II Attorney General Handbook- Open Meeting Law

Part III Frequently Asked Questions

Part IV Legal Authority

**There are two (2) core concepts**

“All meetings of any public body shall be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings.” A.R.S. § 38-431.01(A).

“It is the public policy of this state that meetings of public bodies be conducted openly and that notices and agendas be provided for such meetings which contain such information as is reasonable necessary to inform the public of the matters to be discussed or decided.” A.R.S. § 38-431.09.

**Public’s Rights**

The public has a right to: Attend, Listen, Tape Record or Videotape

The public has no right to: The public does not have a right to speak or disrupt the meeting; however, the public body may allow comment from the public via a call to the public. See A.R.S. § 38-431.01(H)

**What is the open meeting law?**

The open meeting law is a set of statutes that seeks to ensure government transparency and accountability by opening government collective decision making to the public. The open meeting does not include everything that can and cannot be done in a meeting.

**Who must comply with the open meeting law?**

Public bodies must comply with the open meeting law. A.R.S. § 38-431.01(A). Public bodies are essentially governmental, multi-member, decision-making entities.

Public body is specifically defined in statute as the legislature, all boards and commissions of this state or political subdivisions, all multimember governing bodies of departments, agencies, institutions and instrumentalities of this state or political subdivisions, including without limitation all corporations and other instrumentalities whose boards of directors are appointed or elected by this state or political

subdivision. Public body includes all quasi-judicial bodies and all standing, special or advisory committees or subcommittees of, or appointed by, the public body. Public body includes all commissions and other public entities established by the Arizona Constitution or by way of ballot initiative, including the independent redistricting commission, and this article applies except and only to the extent that specific constitutional provisions supersede this article.

A.R.S. § 38-431(6).

**For Information only.**

**OLD BUSINESS**

**Agenda Item 1.**

Application 20-94. Bisbee Residential Historic District, Vacant Lot located at 140 Ok Street, Applicants Rob & Darci Starkenburg.

This item was approved at the January 6, 2021 meeting, but the motion needs to be clarified to include the variance for height and setbacks.

**Mr. Lepley stated that this was to clarify the Boards vote to include the variance for height and setbacks.**

**MOTION: Mr. Lepley moved to affirm the approval of application 20-94; 140 Ok Street including the setback and height applied for in the application.**

**SECOND: Ms. Santellanes**

**MOTION PASSED: UNANIMOUSLY**

**Agenda Item 2.**

Application 20-96 Bisbee Residential Historic District, Contributing Property #539 located at 201 Tombstone Canyon, Applicant Bisbee Vogue Inc. / Representative Cynthia Conroy.

This application is seeking retroactive approval for the continuation of a railing.

Pursuant to Bisbee Zoning Code Article 3.5.2.A, the property owner is required to obtain approval from the DRB prior to the change of any building's exterior feature

**Ms. Conroy spoke regarding her application to the Board. The railing was put up on the property at Bisbee Vogue Inc., and she didn't file the application because she had spoken to Public Works Director Jesus Haro regarding extending the railing due to the safety issue it caused, she extended the railing that was already there.**

**Mr. Laws spoke regarding and didn't feel there was a safety hazard any different from any other sidewalk. This was public access and had been there 29 years and it was an established easement that legally can't be blocked. He didn't feel that it was historic and was used to hang her signs.**

**Mr. DeCraemer stated that he was in full support of the railing, it meets the design criteria. They weren't there to determine all the factors that have been brought forth. They were to simply determine whether or not the railing that has been installed meets are code. He thought that the Board should approve and move on from this issue.**

**Ms. Santellanes asked about the signage that was there on the fencing. Was there a sign approval for the signage?**

**Ms. Ponte called for a point of order because this was not about signage this was a railing issue.**

**Mr. Green noted that this application was seeking retro-active approval to something that has already been done. They needed to realize that no application was ever made and several requests regarding this had been ignored by this applicant and thought that they should just dis-approve it. They should use their powers to make sure that it was put right otherwise we will have other people come along and try to rough road over the Boards authority.**

**Mr. Gaffer stated that he agrees with Mr. Green. He had no objection to the aesthetics.**

**MOTION: Mr. DeCraemer moved to deny application 20-96.**

**SECOND: Mr. Green MOTION PASSED: 5/2 (Ponte/Lepley)**

**Agenda Item 3.**

Application 20-97 Bisbee Residential Historic District, Significant Property Bi-3 located at 100 Quality Hill, Applicant Bisbee Vogue Inc. / Representative Cynthia Conroy.

Wind Screens: The screens are the property of the St. Patrick's Church, Bisbee Vogue Inc. donated them including installation. Ms. Conroy of Bisbee Vogue Inc., that the only view that is obstructed was the fence and that the Design Review Board has no authority to review this project.

The approval by Joe Ward referred to on the application was only given to the blackening of the logo because with the logo it was consider a sign. It was not for the screens to be placed.

Ms. Conroy stated on the application that the Design Review Board has no authority to review this project.

Pursuant to Bisbee Zoning Code Article 3.5.2.A, the property owner is required to obtain approval from the DRB prior to the change of any building's exterior feature.

**Mr. Tony Underwood, Deacon of St. Patrick's Church commented that by providing wonderful sporting activities to the community through local merchants like Bisbee Vogue Inc. made them a good community partner.**

**Ms. Conroy stated that when the screens were first put up they were green and not attractive, but at the cost of Bisbee Vogue Inc. they replaced them with the beautiful screens that are there now. She understood that if it doesn't require a building permit or isn't in code the Board has no authority.**

**Mr. Lepley stated that at past meetings there were lots of comments for and against the windscreens and some for.**

**Ms. Ponte mentioned a few key points on this; Ms. Conroy was accurate the Board does not have authority, the pool has windscreens and that sets a precedent, and the windscreens are technically temporary and could be removed. She didn't feel they were impacting the design nature of the historic district.**

**Mr. DeCraemer thanked Mr. Underwood for all they do in the community. There were complaints from the community, this has been going on for a year. He also read the following from the agenda that states; Zoning Code Article 3.5.2.A, the property owner is required to obtain approval from the Design Review Board prior to any building's exterior features and there had been several request to the applicant to come before the Design Review Board that were ignored. The new screens are an improvement. They were left with the issue of blocking historical landmarks. He was not totally opposed to these screens, but that they should be removed after each event. This was in keeping of what the Board was here to do.**

**Mr. Green stated that he agreed with what Mr. DeCraemer had said. They should be made available to put up at events and taken down afterwards.**

**Ms. Santellanes noted that the view was from the back of the church and thought this was a good community thing. She stated that she was in approval.**

**Mr. Lepley referred to the Board the National Parks Service guidelines. He stated that the tan screens are a great improvement. He gave a suggestion on how to make this work, and was willing to donate his time.**

**Mr. DeCraemer thought that the Board needs to have a general consensus and not just do away with the screens. Approve them on a basis for events only and be retracted when there was not an event.**

**MOTION: Ms. Ponte moved to approve the windscreens as they are.  
Motion died for a lack of a second.**

**Mr. Perfect stated that he did like having the screens there for events permitted and having them retractable.**

**MOTION: Mr. Green moved to deny this retroactive application, due to failure to agree and that the screens should be removed and an application made to reapply for them.**

**SECOND: Mr. Lepley**

**MOTION PASSED: 5/2 (Santellanes/Ponte)**

**Agenda Item 4.**

Approval of the Minutes of the November 18, 2020 Special Meeting.

Edits were done and checked with Ms. Ponte regarding the November 18, 2020 Special Meeting.

**MOTION: Mr. Lepley moved to approve the minutes of the November 18, 2020 Special Meeting.**

**SECOND: Mr. DeCraemer**

**MOTION PASSED: UNANIMOUSLY**

**Staff Comments**

- Letter from Mile High Enterprise regarding like for like roofing.

**FUTURE AGENDA ITEM SUGGESTIONS** (Board members may suggest topics for future meeting agendas, but Board will not here discuss, deliberate or take any action on these topics.)

- Like for Like roofing

**Adjournment: 8:30PM**

**MOTION: Mr. Gaffer moved to adjourn**

**SECOND: Mr. DeCraemer**