

Mike Castellucci
Chair

Weston Burrer
Vice Chair

PUEBLO



Zoning Board of Appeals

Allison Ernst
Secretary

Steve Anselmo

Yvonne Lujan-Slak

Minutes for ZBA Hearing, August 28, 2014

City Council Chambers, 1 City Hall Place

MEETING CALLED TO ORDER

The meeting was called to order at 7:05 p.m. with Chairperson Mike Castellucci presiding.

Board Members Present: Mike Castellucci, Allison Ernst, Yvonne Lujan-Slak, and Steve Anselmo

Board Members Absent: Brian Lucas

Staff Members Present: Jerry M. Pacheco, Senior Planner; Steven Meier, Director; and Paul Willumstad, Board Attorney.

APPROVAL OF AGENDA

Motion to amend the agenda continuing Item No. 3, Case No. ZBA 14-20 to September 23, 2014, and to move Item No. 5 to No. 3 on the agenda, hearing by Ernst, second by Lujan-Slak.

Motion passed 4 - 0

Motion to approve the agenda for August 26, 2014 as amended by Ernst, second by Lujan-Slak.

Motion passed 4 - 0

REGULAR BUSINESS

Consent Agenda

None

Regular Agenda

ZBA 14-15 (1037 E. 12th Street)

A **Variance** from the minimum setback requirements for a two-story garage.

Staff Report by Jerry M. Pacheco

The Applicant submitted a request to the Board seeking approval of a variance that would approve the setback encroachments of the existing two-story garage.

Larry Lucas appeared representing the property owner and reiterated the request. He stated he understood the staff recommendations and had no objections.

Commission Action:

Motion to approve with staff recommendations, motion by Ernst, second by Lujan-Slak.

Motion passed 4 - 0.

ZBA 14-19 (1602 Euclid Avenue)

Appeal of a Code Enforcement Officer's determination that the subject property violated the Pueblo Municipal Code by using the property for parking and storage in a residential zone district..

Staff Report by Jerry M. Pacheco

Mike Fisher, owner of the subject property, appeared and presented his case. He argued that the vehicles where his personal property and acknowledged that they were not all licensed.

Code Enforcement Officer Manuel Rivera presented his case and argued that Mr. Fisher was in fact working on and storing vehicles not owned by him.

Commission Action:

As to Allegation of Violation of Section 17-4-28 PMC as determined by Code Enforcement be Affirmed, motion by Ernst, second by Lujan-Slak.

Motion passed 3 - 1 with Castellucci voting no.

As to Allegation of Violation of Section 17-4-51 PMC as determined by Code Enforcement be Reversed, motion by Lujan-Slak, second by Ernst.

Motion passed 3 - 0.

ZBA 14-22 (2011 - 2013 Acero Aveue)

A **Special Use Permit** to allow a caretaker's residence.

Staff Report by Jerry M. Pacheco

City Council approved the Bowen's Subdivision with certain conditions, one of which required the Applicant to secure approval from the Zoning Board of Appeals for a Special Use permit to allow the existing house on the site to be used as a caretaker's residence.

Gary Amella appeared on behalf of Jim Bowen and stated he understood Staff's recommendations.

Commission Action:

Motion to approve with staff recommendations, motion by Ernst, second by Anselmo.

Motion passed 4 - 0

Chairman Castellucci hands Lujan-Slak the gavel appointing her as Acting-Chairperson and leaves the chambers.

ZBA 14-21 (1237 Southgate Place)

A **Variance** from the minimum 500 foot separation buffer from Interstate 25 to allow a Medical Marijuana Facility.

Staff Report by Jerry M. Pacheco

The Applicant submitted a request to the Planning & Community Development Department seeking approval of a Location Determination Certificate that would verify that the subject property met all associated separation buffer requirements necessary to apply for a Medical Marijuana Facility Limited Use Permit. In review of the request, Staff determined that a Location Determination Certificate could not be issued due to the fact that the subject property is located within 500 feet of Interstate 25. Specifically, the subject property is located 454 feet away from, or 46 feet too close to Interstate 25. Section 17-15-6(e) of the Pueblo Municipal Code allows the Zoning Board of Appeals to grant up to a ten percent (10%) variance from the minimum 500 foot separation requirement. In this case, the Applicant is requesting a 9.2% variance.

Jason Schierling appeared as one of the Applicants and reiterated the request. He stated he understood the staff recommendations and had stated that the concerns relative to the Medical Marijuana Facility will be discussed and address as part of the Limited Use Permit hearing.

Commission Action:

Motion to approve with staff recommendations, motion by Ernst, second by Anselmo.

ADJOURN

There being no further business the meeting was adjourned at 9:30 p.m.