

Mike Castellucci  
*Chair*

Brian Lucas  
*Vice Chair*



Allison Ernst  
*Secretary*

Steve Anselmo

Yvonne Lujan-Slak

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## **Minutes for ZBA Hearing, May 24, 2016**

City Council Chambers, 1 City Hall Place

### **MEETING CALLED TO ORDER**

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

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

**Board Member Absent:** None

**Staff Members Present:** Steven Meier, Director Community Planning Parks and Recreation; Alan Lamberg, Planner; and Paul Willumstad, Board Attorney.

### **APPROVAL OF MINUTES**

Motion to approve the corrected minutes from the meeting April 26, 2016, by Lucas, second by Lujan-Slak.

**Motion passed 4 - 0**

### **APPROVAL OF AGENDA**

Motion to approve the agenda for May 24, 2016, by Anselmo, second by Lucas.

**Motion passed 4 - 0**

### **REGULAR BUSINESS**

#### **Consent Agenda**

No items.

#### **Regular Agenda**

Each case the follows proceeded in a uniform process as directed by Chair Castellucci. Beginning with a staff report presented by Planner Alan Lamberg, then questions, if any, from the Board to staff members. Next, the applicant is sworn in by Board Attorney Paul Willumstad, 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.

**ZBA-16-21 (2117 North Grand Avenue)**

Special use permit to allow a bed and breakfast home at 2117 North Grand Avenue in a mixed residential (R-4 zone) district.

*Applicant Margaret Smith present*

Smith stated background as owner-occupier for the past seven years. No public comments.

**Commission Action:**

Motion to grant by Ernst, second by Anselmo.

**Motion passed 4 - 0 with standard permit conditions.**

**ZBA-16-23 (1115 Fir Street)**

Special Use Permit to allow a 110' telecommunications monopole tower with a 5' lightening rod and related equipment.

*Applicant Tim Allen, Eco-site, LLC with engineer Robert Christan present*

Lopez submitted elevations (exhibit A) to show scaled roof pitch. He stated that this plan will fit in the neighborhood because neighbors have 2-story homes. Noted that he will not build over the 10 foot utility easement. No public comments.

**Commission Action:**

Motion to grant by Ernst, second by Lujan-Slak.

**Motion passed 4 - 0 with staff conditions and standard permit conditions.**

**ZBA-16-24 (169 Cornell Circle)**

Variance to allow a garage to encroach into the rear yard setback.

*Applicant Pedro R. Lopez present*

Allen responded to staff recommendation of denial with new information delivered earlier that afternoon and explained how conditions for approval will be met. No public comments.

**Commission Action:**

Motion to grant by Lucas, second by Anselmo.

**Motion passed 4 - 0 with standard permit conditions.**

**ZBA-16-25 (2114 Elmwood Lane)**

Variance to allow a patio to encroach into a front yard setback.

*Applicant David Garcia present*

Garcia explained plan for patio cover and how would extend over the deck. He stated that neighbors have front patio covers, too. Materials will match the home. Since Garcia's site plan did not specify the

dimension of the deck and patio cover, Castellucci considered removing the staff condition as long as construction is within the requested 10 foot encroachment area. No public comments.

**Commission Action:**

Motion to grant by Ernst, second by Lucas.

**Motion passed 4 – 0 with standard permit conditions.**

**ZBA-16-26 (3902 Sandalwood Lane)**

Special Use Permit to allow a massage establishment in a multiple-residential and office (R-5 zone) district.

*Applicant Amy Rose present*

No public comments.

**Commission Action:**

Motion to grant by Anselmo, second by Ernst.

**Motion passed 4 – 0 with standard permit conditions.**

**ZBA-16-27 (2815 High Street)**

Variance to allow a remodel of a garage to be larger than permitted.

*Applicant George Schifferdecker present*

No public comments.

**Commission Action:**

Motion to grant by Lucas, second by Ernst.

**Motion passed 4 – 0 with standard permit conditions.**

**ZBA-16-28 (140 Central Main Street, Suite 210)**

Special Use Permit to allow a banquet hall in a Historic Arkansas Riverwalk of Pueblo (HARP-2 zone) district.

Application withdrawn.

**No Commission Action.**

**ZBA-16-29 (Dick's Sporting Goods at Pueblo Crossing)**

Variance to reduce certain landscape and development performance standards for a new shopping center.

*Applicants David Lytle, Attorney for property owner, Michael Cuppy, North Star Engineering, and Reggie Vachory present*

Castellucci asked for clarifications about the landscape setback and parking island. Cuppy stated that the 10 feet setback matches the neighboring development. Lamberg clarified that the only the north bank of

parking stalls break up from 20 stalls. Vachory stated that façade design shown in elevation reflects brand identity of Dick's Sporting Goods. Lucas confirmed that this development plan is different than the Dick's Sporting Goods in Colorado Springs. No public comments.

**Commission Action:**

Motion to grant by Ernst, second by Lucas.

**Motion passed 4 – 0 with staff conditions and standard permit conditions.**

**ZBA-16-30 (5132 Applecrest Drive)**

Variance to allow a patio to encroach into the rear yard setback.

*Applicant Cole Proctor present*

Castellucci asked Lamberg if this house is zoned in a Planned Unit Development (PUD). Lamberg answered it is zoned Single Family Residential (R-2U), where a homeowners' association is created to provide for the maintenance of common areas, private open spaces and other neighborhood assets.

Proctor explained that the framer installed the foundation that encroached into the setback. Castellucci observed this is one of three instances of lot lines askew resulting in a variance. He questioned the source of error when the application site plan shows the shorter lot line. Anselmo asked Proctor to confirm if the fence was placed correctly. Lucas asked why the rear patio footings were not built as submitted. Meier observed that the post is 1 and ½ feet into the setback.

Proctor stated that the surveyor and Domega Homes will ensure that this error does not happen again.

No public comments.

**Commission Action:**

Motion to grant by Anselmo, second by Lucas.

**Motion passed 3 – 1 (Castellucci dissenting) with standard permit conditions.**

**OLD BUSINESS**

**Regular Agenda**

None.

**ADJOURNMENT**

Motion to adjourn at 8:48 p.m. by Castellucci, second by Lucas.

**Motion passed 4 – 0**

Minutes respectfully submitted by Lamberg.