

Yvonne Lujan-Slak
Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Mike Castellucci

Sarah French

Minutes for August 25, 2020
City Council Chambers, 1 City Hall Place

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

Board Members Present: Yvonne Lujan-Slak, Elizabeth (Lisa) Bailey, Sarah French, Mike Castellucci

Board Members Absent: Steve Anselmo

Staff Members Present: Beritt Odom, Principal Planner; Daniel Kogovsek, Board Attorney; Chelsea Stromberg, Planner; Bart Mikitowicz

This meeting was held via conference call. All votes were roll call, to distinguish each speaker.

~ Approval of Minutes

Motion to approve the minutes from the meeting of July 28, 2020, by Bailey second by French.

Motion passed 4- 0

~ Approval of Agenda

French moved to approve the agenda and remove ZBA-20-31 as it was not necessary. The motion was seconded by Bailey.

Motion passed 4 - 0

CONSENT AGENDA

1. **ZBA-20-27** Variance 3719 Carlile Ave (Joan Giambruno) A Variance to reduce the side yard setback from 15 feet to two (2) feet in an Agricultural Four (A-4 Zone) District.
2. **ZBA-20-34** Special Use Permit 226-228 S. Union Ave. (AKKA Karate USA) A Special Use Permit to allow an instructional studio in the Historic Business (HB Zone) District. (Ref ZBA-17-04)

Motion to approve the consent agenda for August 25, 2020, by Bailey, second by French.

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

REGULAR AGENDA

Each case that follows proceeded in a uniform process as directed by Chair Lujan-Slak. Beginning with a staff report presented by the Planner assigned, 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-20-26 VARIANCE 1214 BERWIND (Alfonso Mendez) A Variance to reduce the side yard setback from 5 feet to 3 feet in a Mixed Residential (R-4 Zone) District.

Lujan-Slak asked for the staff presentation, which was given by Mr. Mikitowicz. The applicant is applying for a Variance to reduce the side-yard setback by three feet (3') to allow for an addition to a legally non-conforming structure in a Mixed Residential (R-4) Zone District. The subject property, built in 1903, is located in City Hall Place subdivision south of the Arkansas River. The applicant wants to construct a sixty-three (63) square foot addition to the rear portion of the home adjacent to the southern property line. After reviewing the plans, the Planning Department determined, that the residence is a legal non-conforming structure, because the principle structure has a two-foot side yard setback instead of the five-foot district standard. The proposed structure will only extend the existing encroachment along the southern elevation. To legally build this addition a variance is required for Sec. 17-4-2. Which establishes a five-foot side yard setback for this zone district. Lujan-Slak then asked for the applicant to be sworn in. The applicant was not present on the line and the discussion was tabled while the applicant was reached.

****DISCUSSION CONTINUED AFTER ZBA-20-28 AND ZBA-20-19****

Alfonso Mendez was sworn in by Mr. Kogovsek. Following such actions, the applicant introduced himself and offered to answer any questions. **Mr. Mendez** summarized the proposed Special Use Permit. Lujan-Slak asked the applicants if they read the staff report, understand the conditions, and can comply with the staff conditions. **Mr. Mendez** stated that he read the staff report and can comply with the conditions. Lujan-Slak asked if there was anyone in the audience wishing to speak in favor of the application, there were none. Lujan-Slak 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 by Bailey. The motion was seconded by French.

Motion passed 4-0

2. ZBA-20-19 Variance 1615 Jones Ave (Russell Longgear) A Variance to allow an accessory structure in the side yard and front yard setbacks.

Lujan-Slak asked whether the applicant was in the audience to represent the request. Once the applicant confirmed, from the audience, that they were present, Lujan-Slak asked for the staff presentation, which was given by Mr. Lamberg.

The applicant is requesting a variance to reduce the front yard setback from 25 feet to 13 feet, and side yard setback from 5 feet to 0 feet in order to permit an as-built 100 sf shed in front of the house. The shed did not need a building permit because it is less than 200 sf. The yard is a

side yard, not a second front yard, because the adjacent portion of Bragdon Avenue is actually a city-owned parcel, acquired in 1932, but never dedicated as right of way. The house front porch sits approximately 16 feet from the southern front property line. The property is an interior lot at the corner of two streets, and the house and attached one-car garage were constructed in 1928. The principal structure complies with minimum setbacks. The only other open space behind the house is a 525 sf corner garden with 154 sf of buildable area. The applicant stated that the shed is needed to store personal tools, which would free up space to park his vehicle in the garage. Furthermore, the shed is planned to be architecturally compatible with the house Lujan-Slak then asked for the applicant to be sworn in. Mr. Kogovsek asked Mr. Lamberg for clarification as to how does approval of this request impact the city's right of way. Mr. Lamberg explained that city staff confirmed that it is not technically a corner lot when it is adjacent to a city-owned parcel that was not dedicated as right of way. Furthermore, Ms. Beritt Odom stated that staff confirmed the shed does not impact the sight distance triangular at the intersection. Ms. Bailey asked about the placement of the shed and fence, to which Mr. Lamberg clarified. **Russell Longgrear** was sworn in by Mr. Kogovsek. Following such actions, the applicant introduced himself and offered to answer any questions. **Mr. Longgrear** summarized the proposed variance, and asked for a reduction of conditions so that there is one window facing each street in lieu of two. He was concerned about the security of the shed. Lujan-Slak asked the applicant if he read the staff report, understand the conditions, and can comply with the staff conditions. **Mr. Longgrear** stated that he read the staff report and can comply with the conditions. Castellucci suggested alternate treatments. Staff confirmed that there is no encroachment of the structure across the city property line. Lujan-Slak asked if there was anyone in the audience wishing to speak in favor of the application, there were none. Lujan-Slak asked if there was anyone wishing to speak in opposition of the application, there were none. The public hearing was then closed. Lujan-Slak asked for further clarification about the city-owned parcel, and staff added that it relates to how Bragdon Avenue straddles two subdivisions, so the parcel ensured there was enough room to construct a street.

Commission Action:

Motion to grant with standard conditions and staff conditions by Bailey, which a modification to staff conditions so that there is only one window facing each street; one on Bragdon and one on Jones. The motion was seconded by French.

Motion passed 4-0

3. ZBA-20-28 Special Use Permit 1606 E 15th Street (E2K Platinum LLC) A Special Use Permit to allow a duplex in a Single Family Residential (R-2 Zone) District.

Lujan-Slak asked whether the applicant was in the audience to represent the request. Once the applicant confirmed, from the audience, that they were present, Lujan-Slak asked for the staff presentation, which was given by Ms. Stromberg.

The applicant is seeking a Special Use Permit to allow a duplex (residential, two-family) in an R-2 (single-family) zone district. Duplexes are considered a "use by review" in the R-2 district. The site currently has a single-family residence built in 1957. There are no other duplexes in the neighborhood. The applicant proposes a second dwelling unit in the lower level with ground-floor rear access while preserving the look of a single family residence as seen from

the street. According to Pueblo Municipal Code §17-2-2 Use definitions, "Residence, two-family" is defined as "a residential building designed as a single structure, containing two (2) dwelling units and designed for occupancy by not more than two (2) families."

The existing house meets all yard setbacks, and the plan provides two spaces of off-street parking. Lujan-Slak then asked for the applicant to be sworn in. **Eli Ku for E2K Platinum LLC** was sworn in by Mr. Kogovsek. Following such actions, the applicant introduced himself and offered to answer any questions. Lujan-Slak asked the applicant if she read the staff report, understand the conditions, and can comply with the staff conditions. **Eli Ku** stated that she read the staff report and can comply with the conditions. Lujan-Slak asked if there was anyone in the audience wishing to speak in favor of the application, there were none. Lujan-Slak 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 standard conditions and staff conditions by Bailey. The motion was seconded by French.

Motion passed 4-0

4. ZBA-20-29 VARIANCE 5 BRIDLE TRAIL (Jacob Keck) A Variance to allow an accessory structure to remain as built with zero (0) foot side and rear yard setbacks in a Single Family Residential (R-2 Zone) District.

Lujan-Slak asked whether the applicant was in the audience to represent the request. Once the applicant confirmed, from the audience, that they were present, Lujan-Slak asked for the staff presentation, which was given by Mr. Mikitowicz. The applicant is applying for a variance to allow an accessory structure to remain as built with zero foot (0') side and rear yard setbacks in a Single Family Residential (R-2 Zone) District. The subject property was built in 1975 and is located in the Highland Park Subdivision South of Pueblo Blvd. The applicant, Mr. Keck, began construction without a building permit and received a stop work order. He would like to finish construction of a 15'6" x 25'3" (391) square foot detached accessory structure (covered patio) in the northeast corner of the property located in a Single-Family Residential (R-2) District. After reviewing the plans, the Planning Department determined, that the placement of the structure is zero feet (0') from the side and rear property line instead of the 5 and 15-foot district standard. To legally build this patio cover a variance is required for Sec. 17-4-23. (a) 3. "...no accessory structure shall be built or placed within any required front, side or rear yard setback;" Section 17-4-2 requires a minimum five foot (5') side and rear setback for all accessory structures. The requested zero-foot (0') setback would direct all stormwater onto neighboring properties which is prohibited. Furthermore, if gutters and downspouts are installed, they would encroach on to the neighboring property preventing maintenance by Mr. Keck.

Lujan-Slak then asked for the applicant to be sworn in. **Jacob Keck** was sworn in by Mr. Kogovsek. Following such actions, the applicant introduced himself and offered to answer any questions. **Mr. Keck** summarized the proposed Variance. Castellucci asked staff to verify if there is an existing utility easement along the rear property boundary. After staff confirmed

the existence of a five foot utility easement, the applicant requested a continuance in order to revise the proposed plans.

Commission Action:

Motion to continue to September 22, 2020 by Castellucci. The motion was seconded by Bailey.

Motion passed 4-0

5. ZBA-20-30 Special Use Permit 1230 E 8th Street (Care and Share Food Bank) A Special Use Permit to allow a charitable institution in a Subregional Business (B-2 Zone) District.

Lujan-Slak asked whether the applicant was in the audience to represent the request. Once the applicant confirmed, from the audience, that they were present, Lujan-Slak asked for the staff presentation, which was given by Ms. Stromberg.

The applicant is requesting a Special Use Permit to allow a Charitable Institution (food bank) to operate in a Subregional Business (B-2 Zone) District. The Pueblo Municipal Code defines a Charitable Institution as "an organization which performs benevolent actions for the needy with no expectation of material reward. It shall include the lands and buildings used for offices and public facilities of such a charitable institution, but specifically excludes such facilities as homeless shelters, shelters for animals and other related facilities." Care and Share recently purchased the building and intends to remodel the interior of the building to better suit the use as a food bank. The building is approximately 5,260 square feet. The subject property is located across N. La Crosse Ave. to the east of the new Pueblo Community Health Center development site. The applicant is concurrently requesting a variance (ZBA-20-31) to reduce the required off-street parking spaces from 26 spaces to 16 spaces. The applicant states they will initially be open approximately 12 hours per week, however, those times may be expanded based on demand. The applicant anticipates serving approximately 1,500 families per month. The applicant anticipates having 5-8 volunteers on site during distribution, as well as one full-time manager. Deliveries will be arranged during normal business hours, and the delivery truck will be parked on N. La Crosse Ave. during off-loading.

Lujan-Slak then asked for the applicant to be sworn in. **Lynn Telford, CEO of Care and Share** was sworn in by Mr. Kogovsek. Following such actions, the applicant introduced herself and offered to answer any questions. **Ms. Telford** summarized the proposed Special Use Permit. Lujan-Slak asked the applicant if she read the staff report, understand the conditions, and can comply with the staff conditions. **Ms. Telford** stated that she read the staff report and can comply with the conditions. Lujan-Slak asked if there was anyone in the audience wishing to speak in favor of the application, there were none. Lujan-Slak 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 by Castellucci. The motion was seconded by Bailey.

Motion passed 4-0

6. ZBA-20-32 VARIANCE 1720 N ELIZABETH STREET (ALFREDO VARGAS) A Variance To Reduce The Side Yard Setback From Five (5) Feet To Zero (0) Feet In A Single Family Residential (R-2 Zone) District

Lujan-Slak asked whether the applicant was in the audience to represent the request. Once the applicant confirmed, from the audience, that they were present, Lujan-Slak asked for the staff presentation, which was given by Ms. Stromberg.

The applicant is requesting a zero foot side yard setback in order to construct a carport. The side yard for which the variance is requested is immediately adjacent to an alley, however, due to a grade change between the property and the alley, the driveway is separated from the alley by a retaining wall. It is on this wall that the applicant has constructed the vertical support posts for the carport. The applicant was issued a stop work order by Pueblo Regional Building Department for beginning construction without a building permit. The principal structure, constructed in 1951, appears to be built with a zero foot setback, and appears to have eaves which encroach into the alley. The alley is platted at sixteen (16') feet in width, staff measured eighteen (18') feet between the two retaining walls on the north and south side of the alley. From this, staff assumes that the retaining wall has a one-foot side yard setback, however, an Improvement Location Certificate would be needed for a final determination.

Lujan-Slak then asked for the applicant to be sworn in. **Alfredo Vargas** was sworn in by Mr. Kogovsek. Following such actions, the applicant introduced himself and offered to answer any questions. **Mr. Vargas** summarized the proposed Variance. Lujan-Slak asked the applicant if he read the staff report, understands the conditions, and can comply with the staff conditions. **Mr. Vargas** stated that he read the staff report and can comply with the conditions. Lujan-Slak asked if there was anyone in the audience wishing to speak in favor of the application, there were none. Lujan-Slak asked if there was anyone wishing to speak in opposition of the application, there were none. The public hearing was then closed. The board asked clarifying questions about the condition for an Improvement Location Certificate and whether the structure would be permitted to encroach into the alley. The structure will not be permitted to encroach into the alley, however, the Improvement Location Certificate will indicate where the retaining wall is in relation to the alley/property line.

Commission Action:

Motion to grant by Castellucci. The motion was seconded by Bailey.

Motion passed 4-0

7. ZBA-20-33 VARIANCE 2025 W 15TH STREET (LAURA LOERA) A Variance to allow an addition greater than 40% of a legal non-conforming structure, to reduce the off-street parking requirements ,and to reduce the front yard setback to fourteen feet in a Single Family Residential (R-2 Zone) District

Lujan-Slak asked whether the applicant was in the audience to represent the request. Once the applicant confirmed, from the audience, that they were present, Lujan-Slak asked for the staff presentation, which was given by Mr. Lamberg.

The applicant is requesting a variance to allow the construction of a 720 sf addition to a legal-nonconforming residence, constructed in 1956 before the current Zoning Code was adopted. The property is an interior lot on West 15th Street between Adee and Graham

Avenues. The adjacent properties, same zone district, also have older single-family housing stock, many of which are non-conforming because they do not meet the current setback requirements.

The existing residence is 480 sf with an established front yard setback of nineteen feet (19'). There is an unpermitted, 300 sf covered patio, 25'x12', in the front yard setback. The addition is approximately one-hundred fifty percent (150%) of the gross floor area of the existing residence. Section 17-3-4 (5) of the City Pueblo Municipal Code requires the applicant to obtain a variance if the addition is forty percent (40%) or more of the existing gross floor area. This is common for many properties developed before the zoning code went into effect in 1968.

According to the Pueblo Assessor's office, the house was constructed in 1956 with a footprint of 480 square feet. The property has a hipped roof with gables. The planned addition will conform with setbacks. The new interior space will help with modernize the unit and add habitable area, and the exterior will also be built to be architecturally like the existing residence.

The applicant also requests allowing parking of a vehicle in the front yard setback until a garage is constructed. Currently, this lot has only one driveway that parks in front of the house. However, staff found that since the house was constructed in 1956 before the off-street parking requirements were adopted, this portion of the request is not necessary; a vehicle can park in front of the house.

The applicant also requests allowing construction of an architecturally compatible covered patio, five feet (5') depth from the house. This would replace the existing, unpermitted metal patio placed in the front yard setback and result in a fourteen-foot (14') front yard setback. There is no prevailing front yard pattern on adjoining lots; their front yard setbacks vary.

Lujan-Slak then asked for the applicant to be sworn in. **Laura Loera** was sworn in by Mr. Kogovsek. Following such actions, the applicant introduced herself and offered to answer any questions. **Mr. Loera** summarized the proposed Variance. Lujan-Slak asked the applicant if she read the staff report, understands the conditions, and can comply with the staff conditions. **Mr. Loera** stated that she read the staff report and can comply with the conditions. Lujan-Slak asked if there was anyone in the audience wishing to speak in favor of the application, there were none. Lujan-Slak 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 by Castellucci with standard conditions and staff conditions by Bailey. The motion was seconded by Bailey.

Motion passed 4-0

~ Adjourn: Meeting adjourned at 9:18 p.m.

Minutes respectfully submitted by Chelsea Stromberg.