

Weston Burrer
Chair

Rudy Martinez
Vice Chair

PUEBLO

Zoning Board of Appeals

Allison Ernst
Secretary

Mike Castellucci

Yvonne Lujan-Slak

Zoning Board of Appeals
City of Pueblo, Colorado
Tuesday, May 22, 2012-7:00 p.m.
Interim City Council Chambers-301 West "B" Street

Minutes

MEETING CALLED TO ORDER

The meeting was called to order at 7:00 p.m. with Chairperson Weston Burrer presiding.

Board Members Present: Mike Castellucci, Allison Ernst, Rudy Martinez, Yvonne Lujan-Slak

Board Members Absent: None

Staff Members Present: Jeff Bailey, P.E., Assistant City Manager for Development Services; Carrie Muchow, Planner; Ramona Baca, Court Reporter and Paul Willumstad, Board Attorney.

APPROVAL OF MINUTES

Motion to approve the minutes from the April 24, 2012 meeting by Castellucci, second by Martinez.

Motion passed 5-0.

APPROVAL OF AGENDA

Motion to move one item, ZBA 022-2012 to the consent agenda by Ernst, second by Castellucci. Mr. Burrer asked if there was anyone in attendance who came to speak in opposition, seeing none, called for a vote.

Motion passed 5-0.

COMMISSION ACTION

Motion to approve Consent agenda (cases ZBA 018-2012, ZBA 022-2012, ZBA 023-2012 and ZBA 024-2012) subject to staff conditions, by Castellucci, seconded by Martinez.

Motion passed 5-0.

PUBLIC HEARINGS AND ACTION

CONSENT AGENDA

Special Use Permits

1. **018-2012 1902 Vinewood Ln. (John Daves) R-5**

A **Special Use Permit** to allow an existing financial institution (bank) in an R-5

Staff Report by Wade Broadhead.

Synopsis

The subject property is located in the Beulah Heights neighborhood at the intersection of Wildwood and Vinewood Lanes. According to Section 17-4-51 (7)(c)(10) of the Pueblo Municipal Code (PMC), the applicant is requesting a Special Use Permit to allow the existing bank in a R-5 Zone District. Although the property has been operated as a bank since its construction in 1988, the business never obtained a proper business licenses until the oversight was discovered during a request for a business licenses in the spring of 2012.

Analysis

The property in question was zoned R-5 in 1968. City 1987 aerials imagery and Polk Directories prove the building was constructed in 1988. Mt. Caramel Credit Union was located at 1822 Vinewood Lane until 1987 (the office building across the street), but acquired the subject lot in 1976. The current building was erected in 1988 and as it was a bank branch the applicant never obtained a business licenses for the current location. The applicant probably did not understand that each branch location needs a separate license, a distinction which is now made clear to all license applicants by the Finance Department. Credit Unions are tax exempt so there was no direct negative financial impact to the City due to the misunderstanding over the intervening 24 years.

It also appears the property complied with the then existing landscaping code in 1988 as well as parking requirements. Records show that Dan Centa, Public Works Staff, reviewed the plans and required six (6) spaces (plans on file). The applicant provided 14 parking spaces, and Mr. Centa approved the plans on February 3rd, 1988. The plans also show a detailed landscape plan which complies with 1988 city codes. Currently the landscaping is maintained in good condition. Since the property went through appropriate development review procedures when it was constructed, and has maintained it's required landscaping, staff will not require any additional site enhancements. The Traffic Engineer, Pepper Whittlef, reports that she has not received any complaints about traffic flow at the property.

Staff recommends **APPROVAL** with the following conditions:

1. Applicant maintains in good condition a six (6) foot opaque fence along the southern and eastern property line with adjacent residential uses.
2. Standard permit conditions 1-13.

COMMISSION ACTION

Motion to approve by Castellucci, second by Martinez with the following condition(s):

1. Applicant maintains in good condition a six (6) foot opaque fence along the southern and eastern property line with adjacent residential uses.
2. Standard permit conditions 1-13.

Motion passed 5-0.

2. 024-2012 1309 Constitution Rd. (Lisa Guerra) R-2

A **Special Use Permit** to allow a home daycare.

Staff Report by Wade Broadhead.

Synopsis

The subject property is located in the Belmont neighborhood. According to Section 17-4-51 (6)(c)(3.1) of the Pueblo Municipal Code (PMC), the applicant is requesting a Special Use Permit as a Use by Review to operate a home daycare for a maximum of eight (8) children under twelve (12) years of age.

Analysis

The State of Colorado requires 75-square feet of open play space per child for home day cares. With six (8) children, the minimum area needed is 450 square feet. The applicant's yard allows for more than 450 square feet as part of their designated play area. City Staff defers to the State Department of Human Services; Division of Child Care to further inspect and license the operation. Staff did not locate any registered sex offenders within 2 blocks of the home.

Staff recommends **APPROVAL** with the following conditions:

1. Standard permit conditions 1-13.
2. The applicant must provide proof of licensure within 180 days of this meeting.

COMMISSION ACTION

Motion to approve by Castellucci, second by Martinez with the following condition(s):

1. Standard permit conditions 1-13.
2. The applicant must provide proof of licensure within 180 days of this meeting.

Motion passed 5-0.

PUBLIC HEARINGS AND ACTION

CONSENT AGENDA

Variances

3. 022-2012 3306 N. Elizabeth St. (Site Enhancement Services) B-4

A **Special Use Permit** to allow an increase in the size and height of a freestanding sign.

Staff Report by Carrie Muchow.

Synopsis

The subject property is located adjacent to the Country Club Neighborhood near the intersection of Elizabeth St. and Highway 50. The applicant is requesting a variance from Section 17-10-6 of the Pueblo Municipal Code (PMC), to allow an increase in the size and height of a new sign along Elizabeth.

The property is in a Special Sign District to allow high-rise signs along I-25. This District also allows for a second sign, 125 square feet and 25 feet tall, to be placed along an arterial, which in this case is Elizabeth St.

The property currently has two legal non-conforming signs constructed prior to the Sign Code. The applicant is now requesting to change the size and shape of the top of both signs which means they must come into compliance with the current Sign Code.

The applicant is requesting a Variance for the sign along Elizabeth St. which would allow it to be 31 feet tall (25% increase) and 147.5 square feet (18% increase). The sign along I-25 not only fits within the requirements of the Sign Code but is smaller than the maximum allowed.

The current sign along Elizabeth St. is 192.5 square feet and 39 feet tall.

Analysis

Based on the fact that the requested sign is 45 square feet smaller and 8 feet shorter than the existing one, and the fact that the sign along I-25 is smaller than the maximum allowed, Staff feels the requested increase for the Elizabeth St. sign is realistic and will not be a detriment to the street or surrounding properties.

Staff recommends **APPROVAL** with the following conditions:

1. The sign along I-25 must remain the proposed 167.33sf and 37 feet tall.
2. Standard permit conditions 1-13.

COMMISSION ACTION

Motion to approve by Castellucci, second by Martinez with the following condition(s):

1. The sign along I-25 must remain the proposed 167.33sf and 37 feet tall.
2. Standard permit conditions 1-13.

Motion passed 5-0.

4. 023-2012 67 MacNaughton Rd. (Site Enhancement Services) R-1

A Special Use Permit to allow an increase in the size and height of a freestanding sign.

Staff Report by Carrie Muchow.

Synopsis

The subject property is located in the Belmont Neighborhood near the intersection of Bonforte Blvd. and Highway 47. The applicant is requesting a variance from Section 17-4-2 of the Pueblo Municipal Code (PMC), to allow a new covered handicap ramp encroach into the front yard setback by five feet (5'). The ramp is necessary along the front of the house to allow the owner to access the front door of the home from the driveway and garage.

Analysis

In a lot of cases handicap ramps are below 30" and not covered allowing them to be in setbacks if necessary per the PMC because at that height they are not considered structures. In this case, however, even if the ramp was not covered, it is over the 30" limit and must get a Variance prior to being built. Unlike most Variances that come before the Board, this Variance is for something that is necessary for the homeowner to stay in their home

and be able to access it. There is no getting around the need for the ramp in this location and the applicant has kept the encroachment to the minimum necessary for access.

Staff recommends **APPROVAL** with the following conditions:

1. The ramp and porch may never be enclosed.
2. All water must drain away from neighboring properties.
3. The porch, ramp, and new roof must be architecturally compatible to the house.
4. Standard permit conditions 1-13.

COMMISSION ACTION

Motion to approve by Castellucci, second by Martinez with the following condition(s):

1. The ramp and porch may never be enclosed.
2. All water must drain away from neighboring properties.
3. The porch, ramp, and new roof must be architecturally compatible to the house.
4. Standard permit conditions 1-13.

Motion passed 5-0.

ADJOURN

There being no further business the meeting was adjourned at 7:05 p.m.