

Mike Castellucci
Chair

Weston Burrer
Vice Chair

PUEBLO

Zoning Board of Appeals

Allison Ernst
Secretary

Rudy Martinez

Yvonne Lujan-Slak

Zoning Board of Appeals
City of Pueblo, Colorado
Tuesday, February 26, 2013-7:00 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 Mike Castellucci presiding.

Board Members Present: Mike Castellucci, Yvonne Lujan-Slak, Rudy Martinez, Weston Burrer

Board Members Absent: Allison Ernst

Staff Members Present: Jeff Bailey, P.E., Assistant City Manager for Development Services; Wade Broadhead, Planner; Katie Carleo, Planner; and Paul Willumstad, Board Attorney.

APPROVAL OF MINUTES

Motion to approve the minutes from the January 22, 2013 Regular Hearing. Motion by Burrer, Second by Lujan-Slak.

Motion passed 4-0.

APPROVAL OF AGENDA

Motion by Burrer, second by Castellucci to approve the Agenda.

Motion passes 4-0.

COMMISSION ACTION

PUBLIC HEARINGS AND ACTION

Show Cause Hearing for ZBA 013-2010

1. 008-2013 2010 E. Routt Avenue (Placido Garduno and Steven Alcala) R-3

A **Show Cause Hearing** to extend or revoke ZBA 013-2010, a variance to allow an existing carport to extend into the side yard setback.

Staff Report by Wade Broadhead.

Recommendation

Staff recommends **DENIAL of any extension and asks the board to revoke the variance.**

Should the Zoning Board of Appeals decide to grant the variance, Staff suggests the following conditions should apply:

1. Standard permit conditions 1-12.
2. Applicant obtains an Improvement Location Certificate to certify the property line.
3. The carport is cut back to 2.5 feet from the property line.
4. Applicants install gutters and downspouts to direct water away from the adjacent property.
5. The applicant obtains and complete building permit for the structure.
6. Applicant completes the modifications by June 26, 2013. If the modifications are not made in full and conditions met by that date a letter would be sent out from the Land Use Administrator stating that the variance has officially expired and is revoked.

Steven Alcalá appeared and testified in support of the variance and explained the reasons he has not completed the work. He stated that he could pull and permit and get the work done within a week if given more time.

Nobody else appeared and testified in support or opposition.

Board Action:

Motion by Lujan-Slak to **REVOKE** the variance if the work is not completed in four months, seconded by Burrer.

Motion fails 2-2

Motion by Lujan-Slak to **revoke** ZBA 13-2010, seconded by Burrer.

After a short discussion about the implications of the motion by Lujan-Slak to **withdraw her motion**, seconded by Burrer, motion passed 4-0.

Motion by Lujan-Slak, seconded by Burrer to **STAY** the revocation for sixty days and the applicant must pull a valid building permit for the work within 30 days or the variance is revoked.

1. Standard permit conditions 1-12.
2. The applicant is allowed a 60 day stay starting from February 26, 2013 and must pull a valid building permit within 30 days of said date and complete all work within 60 days (April 27, 2013) or the variance is revoked.
3. Applicant obtains an Improvement Location Certificate to certify the property line.
4. The carport is cut back to 2.5 feet from the property line.
5. Applicants install gutters and downspouts to direct water away from the adjacent property.
6. The applicant obtains and complete building permit for the structure.

~~7. Applicant completes the modifications by June 26, 2013. If the modifications are not made in full and conditions met by that date a letter would be sent out from the Land Use Administrator stating that the variance has officially expired and is revoked.~~

Motion Approved 4-0

With no further business the meeting adjourned at 7:40