

Weston Burrer  
Chair

Rudy Martinez  
Vice Chair

# PUEBLO

## Zoning Board of Appeals

Ralph Scaplo  
Secretary

Mike Castellucci

Allison Ernst

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**Zoning Board of Appeals**  
City of Pueblo, Colorado  
Tuesday, January 24, 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:** Rudy Martinez, Mike Castellucci and Allison Ernst

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

#### APPROVAL OF MINUTES

Motion to approve the minutes from the December 27, 2011 meeting by Martinez, second by Ernst.

**Motion passed 4-0.**

#### APPROVAL OF AGENDA

Motion to approve the January 24, 2011 agenda by Ernst, second by Castellucci.

**Motion passed 4-0.**

#### 1. Appoint Temporary Secretary

Weston Burrer appointed as temporary secretary.

#### PUBLIC HEARINGS AND ACTION

##### CONSENT AGENDA

##### Variances

#### 2. **001-2012 1215 Deane Lane (Ted Vigil) R-2**

A **Variance** to allow an existing house to encroach into the front yard setback for the purpose of adding an addition.

## **BACKGROUND**

Staff Report by Carrie Muchow.  
Presented by Wade Broadhead.

### **Synopsis**

The subject property is located in the Eastwood Neighborhood near the intersection of 13<sup>th</sup> St. and Beaumont Ave. The applicant is requesting a variance from Section 17-4-2 of the Pueblo Municipal Code (PMC), to allow an existing house to encroach into the front yard setback by twelve and a half feet (12.5'). The house was built prior to the Zoning Code and is considered legal non-conforming but now the owner wishes to add on to the rear of the home to make the home more livable for his family. The addition will be 572 square feet or approximately 59% of the existing house. The addition meets all setbacks and coverage requirements.

### **Analysis**

Most houses along this street are set about this close to the street and normally averaging front setbacks would be an option but in this particular case, the house to the North orients towards 13<sup>th</sup> St. instead of Deane Ln. so it sits farther back than this property.

Staff does not believe there will be any adverse affects from adding on to the non-conforming house since it has been in this location for about 55 years and the addition is meeting all current zoning regulations. This addition will also mean reinvestment in the house and neighborhood.

## **RECOMMENDED MOTION**

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

1. Addition must be architecturally compatible with the house.
2. All drainage for both the existing house and addition must drain away from neighboring properties.
3. Standard permit conditions 1-13.

## **COMMISSION ACTION**

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

1. Addition must be architecturally compatible with the house.
2. All drainage for both the existing house and addition must drain away from neighboring properties.
3. Standard permit conditions 1-13.

**Motion passed 4-0.**

## **REGULAR AGENDA**

### **Variances**

#### **3. 003-2012 2509 California Street (Raymond Medina Jr.) A-4**

A **Variance** to allow an existing house to encroach into the front and side yard setbacks and a new addition to encroach into the side yard setback. **(Continued to the February Meeting)**

4. **002-2012 515 Bellevue Place (Leonardo Sandoval) R-5**

A **Variance** to allow a new carport to encroach into the front and side yard setbacks. **(Withdrawn)**

5. **005-2012 2511 Emilia Street (Cruz Construction) R-2**

A **Variance** to allow a new front porch to encroach into the front yard setback.

**BACKGROUND**

Staff Report by Carrie Muchow.

Presented by Wade Broadhead.

**Synopsis**

The subject property is located in the Beulah Heights Neighborhood near the intersection of O’Neal Ave. and Emilia St. The applicant is requesting a variance from Section 17-4-2 of the Pueblo Municipal Code (PMC), to allow a new front porch addition to encroach into the front yard setback by twelve feet (12’) placing it thirteen feet (13’) from the street.

The applicant states that the front porch is necessary to protect the family and their handicapped child from the elements.

**Analysis**

Typically when reviewing setback encroachments, specifically front yard setback encroachments, one of the main considerations is what the rest of the neighborhood has. If 90% of the houses encroach into the front yard setback by a few feet then granting a Variance for a few feet on a house that doesn’t, makes sense based on the pattern of the neighborhood. In this case, there are a couple houses in the area that encroach slightly into the front yard setback but none that encroach anywhere close to the proposed amount. So in addition to coming almost half way into the front yard setback, a twelve foot (12’) wide front porch does not appear to be in line with the rest of the neighborhood.

Staff understands the need to have a covered front walk, especially with a handicapped child, and feels that a six foot (6’) wide porch would be a sufficient width for staying out of the elements between the driveway and front door. This width, while still in the setback, will allow the family the walkway they need while not coming any closer than necessary to the front lot line or looking out of place from the rest of the street.

**RECOMMENDED MOTION**

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

1. The front porch can not encroach into the front yard setback by any more than six feet (6’).
2. All water must drain away from neighboring properties.
3. The porch can never be enclosed.
4. Standard permit conditions 1-13.

**HEARING**

**Henry Cruz, 2900 Graneros Lane, Pueblo, CO** appeared and testified in favor of the application.

Mr. Cruz mentions to the board that the applicant has a handicapped child. Mr. Cruz does not believe that adding additional room would be detrimental to the neighborhood.

**Michael Lucas, 2511 Emilia Street, Pueblo CO appeared** and testified in favor of the application.

**COMMISSION ACTION**

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

1. The front porch can not encroach into the front yard setback by any more than ten feet (10’).
2. All water must drain away from neighboring properties.
3. The porch can never be enclosed.
4. Standard permit conditions 1-13.

**Motion passed 4-0.**

**6. 006-2012 3128 W. 12<sup>th</sup> Street (Calvin Turner Roofing, LLC) I-2**

A **Variance** to allow a reduction in parking lot islands.

*Chairperson Burrer states for the record that his father works for Calvin Turner Roofing and he does not believe that it will not affect his judgment on this case.*

**BACKGROUND**

Staff Report by Carrie Muchow.  
Presented by Wade Broadhead.

**Synopsis**

The subject property is located in the Hyde Park Neighborhood near the intersection of W 11<sup>th</sup> St. and Pueblo Blvd. The applicant is requesting a variance from Section 17-4-7 (b) (3) b. of the Pueblo Municipal Code (PMC), to allow a reduction in parking lot islands from four (4) to two (2).

The applicant states that the first island is in danger of being hit from delivery trucks due to the site layout already existing and the second may cause damage to an adjacent patio slab and support column from the watering of plants.

**Analysis**

The property is in an industrial zone, in an underutilized area of the City and the owner is greatly improving the site both functionally and aesthetically with the plans as they are now. That being said, Staff must consider when the area does develop more and ensure that Variance recommendations are fair for those following the Code. In this case, Staff feels that the reason behind removing the island in danger of being hit by delivery trucks is legitimate for the safety of traffic and that to install the island would cause significantly more harm than allowing a Variance to remove it.

As for the second island that would be near the proposed covered patio, with the proper engineering design and maintenance, the landscaping in the island should not cause any damage to the slab or pier as the applicant has stated. However, the fact that the island would have to replace a parking space, making the

property short one (1) space and requiring a different Variance from the Board, Staff feels it is more important to keep the parking space and remove the island.

Since it appears that the site is large enough to accommodate all required parking, landscape islands, patios, and truck movements if it were laid out differently, Staffs feels it is appropriate to require the two (2) trees that would be in the islands be moved to another location to maintain the over-all required amount of landscaping for the site.

### **RECOMMENDED MOTION**

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

1. The two (2) trees that would have been required in the islands must be planted elsewhere on the site. Applicant shall provide an updated landscape plan showing the location these trees and all landscaping to the Planning and Community Development Department.
2. Standard permit conditions 1-13.

### **HEARING**

**Calvin Turner, 3202 W. 10<sup>th</sup> Street, Pueblo, CO appeared** and testified in favor of the application.

**Jim Lepley, 8268 Hess, Rye, CO appeared** and testified in favor of the application.

### **COMMISSION ACTION**

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

1. The two (2) trees that would have been required in the islands must be planted elsewhere on the site. Applicant shall provide an updated landscape plan showing the location these trees and all landscaping to the Planning and Community Development Department.
2. Standard permit conditions 1-13.

**Motion passed 4-0.**

### **Special Use Permit**

**7. 004-2012 110 S. Union Avenue (Adolph Padula) HB**  
A **Special Use Permit** to allow a gym and fitness center.

### **BACKGROUND**

Staff Report by Carrie Muchow.  
Presented by Wade Broadhead.

### **Synopsis**

The subject property is located in the Downtown neighborhood. According to Section 17-4-51 (12.1) (c) (1) of the Pueblo Municipal Code (PMC), the applicant is requesting a Special Use Permit as a Use by Review to operate a gym and fitness center.

The center will be open from 6 am to 10 pm, seven (7) days a week and has a maximum occupancy of 145 people. The applicant only expects to have ten to thirty (10-30) Monday – Friday, 8 am to 5 pm.

Parking for patrons would be provided in six (6) spaces in the rear of the building, sixteen (16) spaces in a nearby parking lot and any additional parking necessary will be in the public parking spaces in the Main Street Parking Garage or the adjacent public lot.

### **Analysis**

Not only is the proposed use is a good addition to the amenities offered in Downtown but since there are no similar uses in the area, it fills a gap in amenities for the surrounding residential areas. The hours proposed are standard gym hours and will bring people into Downtown during hours when Downtown is typically empty creating a livelier and safer Downtown.

Since the occupancy is larger than typical Downtown buildings, Staff discussed the parking situation with the Transportation Division and Transportation Staff feels that based on the new use, more dedicated parking is necessary.

### **RECOMMENDED MOTION**

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

1. All signs must be approved through the Historic Preservation Commission prior to installation.
2. Since the applicant is using the parking lot on Parcel Number 536419019 towards the required parking for this building, it may only be used for parking for this building and must always remain tied to the building if no other parking arrangements have been made. Staff recommends placing signs in the parking lot noting that it is reserved for the business at 110 S. Union.
3. Per Transportation Division Staff, the owner must lease 15 spaces dedicated to this building in the Main Street Parking Garage through Urban Renewal. If the owner wishes to lease fewer spaces for some reason, a Variance will need to be granted.
4. Since a trash enclosure and service area(s) are not shown on the plan, they must be placed in the rear of the building, accessed from the alley and screened with an opaque six foot (6') fence or wall, or stored inside the building
5. Standard permit conditions 1-13.

### **HEARING**

**Adolph Padula, 4702 St.Andrews Drive, Pueblo, CO appeared** and testified in favor of the application.

**Geoff Siebenneicher, 142 Alhambra Drive, Pueblo, CO appeared** and testified in favor of the application.

### **COMMISSION ACTION**

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

1. All signs must be approved through the Historic Preservation Commission prior to installation.
2. Since the applicant is using the parking lot on Parcel Number 536419019 towards the required parking for this building, it may only be used for parking for this building and must always remain

ted to the building if no other parking arrangements have been made. Staff recommends placing signs in the parking lot noting that it is reserved for the business at 110 S. Union.

3. Per Transportation Division Staff, the owner must lease 15 spaces dedicated to this building in the Main Street Parking Garage through Urban Renewal. If the owner wishes to lease fewer spaces for some reason, a Variance will need to be granted.
4. Since a trash enclosure and service area(s) are not shown on the plan, they must be placed in the rear of the building, accessed from the alley and screened with an opaque six foot (6') fence or wall, or stored inside the building
5. Standard permit conditions 1-13.

**Motion passed 4-0.**

**8. 007-2012 128 S. Union Avenue (Lori's Studio of Dance & Performing Arts) HB**  
A **Special Use Permit** to allow a dance studio.

### **BACKGROUND**

Staff Report by Carrie Muchow.  
Presented by Wade Broadhead.

### **Synopsis**

The subject property is located in the Downtown neighborhood. According to Section 17-4-51 (12.1)(c)(1) of the Pueblo Municipal Code (PMC), the applicant is requesting a Special Use Permit as a Use by Review to operate a dance studio for classes of up to 15 people. Class times will be Monday – Friday 4:30pm to 8:30 pm.

### **Analysis**

The proposed use is a good addition to the amenities offered in Downtown for the working crowd, especially considering the hours that the classes will be offered. The proposed hours are also good for the parking situation. Most shoppers have left the Downtown area by 5pm, freeing up the parking.

There also does not appear to be a conflict with other dance studios in the area. The other dance studio caters to children as opposed to this one that will cater mostly to adults and the Zumba studios in the area are more focused on fitness goals as opposed to dance styles.

### **RECOMMENDED MOTION**

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

1. All signs must be approved through the Historic Preservation Commission prior to installation.
2. Standard permit conditions 1-13.

### **HEARING**

**Lori Trejo, 2313 Crownridge Drive, Pueblo, CO appeared** and testified in favor of the application.

**Dawn Thompson, 78 Hanson Lane, Pueblo, CO appeared** and testified in favor of the application.

## **COMMISSION ACTION**

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

1. All signs must be approved through the Historic Preservation Commission prior to installation.
2. Standard permit conditions 1-13.

**Motion passed 4-0.**

## **Other Business**

### **9. Elect Board Officers for 2012**

- A. Chair**
- B. Vice Chair**
- C. Secretary**

Motion to approve Weston Burrer as Chairperson, Rudy Martinez at Vice-Chair and Allison Ernst as Secretary by Castellucci, second by Martinez.

**Motion passed 4-0.**

## **ADJOURN**

There being no further business the meeting was adjourned at 7:50 p.m.