

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, April 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: 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; Wade Broadhead, Planner; Ramona Baca, Court Reporter and Paul Willumstad, Board Attorney.

APPROVAL OF MINUTES

Motion to approve the minutes from the February 28, 2012 meeting by Ernst, second by Martinez.

Motion passed 5-0.

APPROVAL OF AGENDA

Motion to move one item, ZBA 013-2012 to the consent agenda by Castellucci, second by Ernst. 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 011-2012 and ZBA 013-2012) subject to staff conditions, by Castellucci, seconded by Ernst.

Motion passed 5-0.

PUBLIC HEARINGS AND ACTION

CONSENT AGENDA

Variances

1. 011-2012 2929 Azalea Street (Donna Trujillo) R-2

A **Variance** to allow a new garage addition to extend four feet (4) into the required five foot (5) side yard setback.

Staff Report by Wade Broadhead.

Synopsis

The subject property is located in the Highland Park neighborhood. The applicant is requesting a variance from Section 17-4-2 of the Pueblo Municipal Code (PMC), to allow a new garage to encroach into the side yard setback by four feet (4') leaving a one (1') foot setback distance. The adjacent neighbor's house to the south is located approximately six feet (6) from the adjacent property line. The proposed garage will be architecturally compatible with the existing home and have a fire wall per Pueblo Regional Building Department requirements on the side adjacent to the property line.

Analysis

The Highland Park neighborhood is characterized by small to medium sized Mid Century homes that did not come with garages. Numerous citizens have added attached open carports or rear yard garages to accommodate parking. Currently, the applicant has no protected parking spaces. The Zoning Board generally grants variances for up to three (3') feet into the side yard setback to allow for sufficient light and air, although the applicant was initially requested a four (4') foot encroachment.. In this case staff received a letter of opposition from the neighbor to the south that is most impacted. After the mailing notice went out staff received concern from the adjacent neighbor regarding the setback distance regarding the initial four foot (4') encroachment. Since then, the neighbor and applicant have agreed upon a twelve (12') feet wide garage and a three foot (3') encroachment distance, which is more agreeable to staff as well and more in keeping with typical variances in Mid Century neighborhoods.

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

1. Allow an encroachment of three (3') into the required 5 ft side yard setback.
2. Existing prefabricated metal carport must be removed.
3. Addition must be architecturally compatible with the house.
4. All drainage for both the existing house and addition must drain away from neighboring properties.
5. Standard Permit conditions 1-13.

COMMISSION ACTION

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

1. Allow an encroachment of three (3') into the required 5 ft side yard setback.
2. Existing prefabricated metal carport must be removed.
3. Addition must be architecturally compatible with the house.
4. All drainage for both the existing house and addition must drain away from neighboring properties.
5. Standard Permit conditions 1-13.

Motion passed 5-0.

PUBLIC HEARINGS AND ACTION

CONSENT AGENDA

Special Use Permits

2. 013-2012 3215 Lake Avenue (Jim Gimbrone) I-2

A **Special Use Permit** to allow a flea market in an I-2 Zone District.

Staff Report by Wade Broadhead.

Synopsis

The subject property is located in far south side neighborhood at the intersection of Lake Avenue and Pueblo Boulevard also known as the dog track. The applicant is requesting permission to conduct an indoor and outdoor flea market in a building at the Southern Colorado Gaming and Event Center (SCGEC). The building is currently unused and previously functioned as the accessory dog holding building and is situated on the far end of the dog track facility. The business will be open 3-5 days a week from 9 a.m. to 5 p.m.

Analysis

The SCGEC facility provides 1100 spaces of parking and restricted access from the north, and additional parking inside the main gate accessible from the north. Currently the property is underutilized and the building is being used as storage. The proposed flea market location is completely access controlled and separated from other uses on site and surrounded by other industrial uses to the west. Visitors can park in the interior parking lot or outside the wall in the large 1100 space lot. The tenants will rent spaces from the business agent and most activity will take place indoors. The outdoor aspect will still be set behind the primary facility fence and almost invisible to the general public. The only minor issue is the building is subject to differed maintenance (chipping paint, etc.) and staff recommends requiring the applicant to repaint the building before the flea market opens. While not the best and highest use, staff expects no negative impacts to the surrounding community from the flea market.

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

1. Repaint the flea market building prior to opening.
2. Operator is required to have all tenants register their businesses licenses with City of Pueblo Sales Tax department.
3. Standard permit conditions 1-13.

COMMISSION ACTION

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

1. Repaint the flea market building prior to opening.
2. Operator is required to have all tenants register their businesses licenses with City of Pueblo Sales Tax department.
3. Standard permit conditions 1-13.

Motion passed 5-0.

PUBLIC HEARINGS AND ACTION

REGULAR AGENDA

Special Use Permits

3. 009-2012 124 and 130 W. Orman Ave. (Mary Moser) R-2

A **Special Use Permit** to allow a Bed and Breakfast Inn

Staff Report by Wade Broadhead.

Presented by Wade Broadhead

Synopsis

The subject property is located in the Mesa Junction neighborhood near the intersection of Orman and Quincy Avenues. City Council, on April 23, 2012, will hold a public hearing to consider an amendment to the zoning ordinance that will allow *Bed and Breakfast Inns* to be a Use by Review in R-2 though R-4 Zone Districts. Currently only *Bed and Breakfast Homes* are allowed in R-2 Zones and these establishments are limited to three (3) guest rooms. The applicant has undertaken a substantial redevelopment of a deteriorated property and plans to have twelve (12) guests in six (6) bedrooms across two buildings (2) with a planned new construction wing as well, plus provide a limited Bed and Breakfast café in the primary building. The facility also plans to host events of up to 100 people in the large open side yard. The business will employ two people who live on the third floor of the home, and are related to the owner. The development can park eight to twelve (8-12) vehicles through an alley and garage behind the house which feeds onto Quincy Avenue. The tree lawn along Orman and Quincy Av. is composed of large mature shade trees, new ornamental trees, and grasses.

Analysis

In most instances *Bed and Breakfast Inns* are not feasible in R-2 zoned properties due to small lots and home sizes as well as the lack of adequate parking. However, this particular property combines two previous lots and over 20,000 square feet of land, one large mansion home, a carriage house, and secondary garage. The site is similar to the Abriendo Inn which accommodated a Bed and Breakfast Inn for many years on Abriendo Avenue and has recently closed. The area is historically familiar with uses that periodically draw additional traffic to the neighborhood. Although the setting on Orman is more residential than Abriendo Ave., there are some previous quasi residential uses within a block radius including the Orman Adams Mansion (zoned O-1) which served as D60 Administrative offices for a time, and a church located at Quincy and Adams. The location on a corner lot with mature landscaping deflects some of the intensity of use from the surrounding homes. The wide platted (100 ft ROW) street also helps buffer the use from neighbors. Guests can park on street or along a rear alley (which is fenced off by the neighborhood). The City Traffic Engineer visited the site and had no problems with the number of spaces provided at their location for the proposed intensity of use.

A Bed and Breakfast Inn allows accessory restaurant/cafe uses and the applicant proposes to operate a small café during breakfast hours which would accommodate up to 14 people. The applicant also plans to host special events of up to 100 people at the facility. The open southeastern lot will be landscaped and the existing gazebo refurbished to host wedding and other events. The event space will be on the side yard (approximately 5,000 square feet) and only directly impact the house at 118 Orman Avenue. Staff has not received any objection

from that neighbor. This outdoor space will be fenced from Orman Avenue by a new Simtek simulated stone fence.

Finally, the applicant proposes three (3) signs; two (2) freestanding signs with hanging placards and one (1) potential wall sign on the garage. To minimize confusion in the residential neighborhood staff agrees that the number of signs is appropriate and recommends signage be limited to two, three ft by two (2) ft panels with up to two (2) small two foot (2') x one (1') foot hangers for vacancy etc. The signs can be no more than seven (7') feet tall and must be down lit unless using residential grade fixtures.

Residential style bed and breakfast businesses are important for Pueblo's tourism economy and neighborhood development, with the loss of the Abriendo Inn, Pueblo now lacks a Bed and Breakfast Inn south of the Arkansas River. Due to the large size and corner location of the proposed use it is compatible with the surrounding neighborhood as conditioned by staff.

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

1. Events can host a maximum of 100 people including guests and visitors.
2. Outdoor event times shall be from 10 a.m. to 8 p.m. on weekdays and 10 a.m. to 10 p.m on weekends.
3. Applicant must provide and maintain overflow parking agreement with the church on Quincy and Adams or the Orman Adams Mansion for 12 spaces for events that expect 100 people.
4. Public hours of the café shall limited to 7 a.m. to 2 p.m.
5. The inn business shall be limited to no more than twelve (12) guests and six (6) rooms.
6. The inn business be inspected by the Pueblo Regional Building Department and Pueblo Fire Department to comply with city code prior to opening.
7. Overnight guests shall be directed to park on site.
8. No more than two (2) freestanding signs at a maximum height of seven (7') tall (and no internally illuminated signs) face measuring three (3') x two feet (2') with two small x two (2') by one (1') foot hangers, as well as one garage wall sign limited to three (3') by two (2').
9. Any new construction will be subject t to the City's commercial site plan review process.
10. Final site approval, sign approval, and lighting approval conducted by staff.
11. Applicants submit a professional, revised, site plan within 60 days.
12. Trash receptacles must be screened or behind existing fences when not in use.
13. Standard permit conditions 1-13.

Mary Moser and Carolyn Kelly testified in favor of the application.

COMMISSION ACTION

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

1. Events can host a maximum of 100 people including guests and visitors.
2. Outdoor event times shall be from 10 a.m. to 8 p.m. on weekdays and 10 a.m. to 10 p.m on weekends.
3. Applicant must provide and maintain overflow parking agreement with the church on Quincy and Adams or the Orman Adams Mansion for 12 spaces for events that expect 100 people.
4. Public hours of the café shall limited to 7 a.m. to 2 p.m.
5. The inn business shall be limited to no more than twelve (12) guests and six (6) rooms.
6. The inn business be inspected by the Pueblo Regional Building Department and Pueblo Fire Department to comply with city code prior to opening.

7. Overnight guests shall be directed to park on site.
8. No more than two (2) freestanding signs at a maximum height of seven (7') tall (and no internally illuminated signs) face measuring three (3') x two feet (2') with two small x two (2') by one (1') foot hangers, as well as one garage wall sign limited to three (3') by two (2').
9. Any new construction will be subject t to the City's commercial site plan review process.
10. Final site approval, sign approval, and lighting approval conducted by staff.
11. Applicants submit a professional, revised, site plan within 60 days.
12. Trash receptacles must be screened or behind existing fences when not in use.
13. Standard permit conditions 1-13.

Motion passed 5-0.

4. 015-2012 2101 Acero Avenue (Pasquale Ferri) R-8

A **Special Use Permit** to allow a mobile home to replace an existing mobile home in an R-8 Manufactured Home District.

Staff Report by Wade Broadhead.

Presented by Wade Broadhead

Synopsis

The subject property is located in the Minnequa Lake neighborhood directly west of the lake. The applicant is proposing to remove an uninhabitable 1960s mobile home and replace it with a 2012 mobile home, despite the fact the area is zoned R-8, a zone for manufactured homes. According to the applicant the structure is a manufactured home, but the City of Pueblo requires them to be 24 ft wide, or greater, to be considered a manufactured home. At the April 23, 2012 meeting City Council will vote on a proposed text amendment that will to allow replacement of single family homes in R-8 zone districts if they are replacing an existing single wide mobile home via a Special Use Permit from the Zoning Board of Appeals.

Analysis

The proposed site is located in an area of transitional development, with no prevailing land use pattern. The area is characterized by manufactured home parks, apartment blocks, historic homes, and mid century housing, as well as business, industrial, and agricultural parcels. Although the structure is sixteen (16') ft and considered a mobile home by Pueblo Municipal Code, it is brand new and much more architecturally similar to a new manufactured home (24 ft wide) which is allowed as a Use by Right in an R-8. The overall effect of the action is a net improvement in the character of the neighborhood and the removal of a blighted structure that has generated a number of complaints.

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

1. Install the sidewalk on Acero Avenue.
2. Standard permit conditions 1-13.

Matt Wismann, representing the owner and Clayton Homes, testified in favor of the application.

COMMISSION ACTION

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

1. Install the sidewalk on Acero Avenue.
2. Standard permit conditions 1-13.

Motion passed 5-0.

5. 016-2012 13th and Halleck (A Affordable Disposal of Pueblo) I-2

A Special Use Permit to allow limited salvage and storage in an I-2

Staff Report by Wade Broadhead.

Presented by Wade Broadhead

Synopsis

The subject property is located in Hyde Park/West Side neighborhood near the intersection of 13th Street and Halleck Avenue. The applicant is requesting permission to allow salvage of some materials not directly used for the operation of their disposal business. These materials will be stored on site and used to fix trucks, etc. Staff was alerted to the situation in 2011 when the City received a complaint about outdoor storage on the site including vending machines, metal drums, scrap metal, and trucks in various state of repair.

Analysis

The parcel in question is used for their disposal business where they occasionally store salvage materials. The lot is located in a predominantly industrial area, although much of it is undeveloped. There are some residential homes located to the south and residentially zoned land to the west which is used as a parking lot. The lot in question is situated directly south-west of their primary business building and lot. Since first contact with city code enforcement, the applicant has cleaned up much of the excess storage but tends to have periodic needs for limited amount of salvage space. Since the area is mainly industrially zoned, and the salvage use is minor, with staff conditions and screening it will be compatible with the surrounding neighborhood.

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

1. Provide a six (6) foot cedar screen fence on the southern and western property boundary.
2. Less than half of the lot may be used for salvage / storage space and the use must remain accessory to storage of items related to the disposal business.
3. Salvage material cannot be stacked more than three (3) feet tall, if it is the remaining sides of the property must be screened with a six (6) foot cedar fence and the salvage piles cannot exceed six (6) ft in height.
4. Register with the City's finance department as a salvage yard and submit to yearly inspections for compliance with these conditions.
5. Standard permit conditions 1-13.

Lois Compton and Carolyn Kelly testified in favor of the application.

COMMISSION ACTION

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

1. Provide a six (6) foot ~~cedar~~ **opaque or screen** fence on the southern and western property boundary.

3. Less than half of the lot may be used for salvage / storage space and the use must remain accessory to storage of items related to the disposal business.
4. Salvage material cannot be stacked more than three (3) feet tall, if it is the remaining sides of the property must be screened with a six (6) foot ~~cedar~~ **opaque or screen** fence and the salvage piles cannot exceed six (6) ft in height.
5. Register with the City's finance department as a salvage yard and submit to yearly inspections for compliance with these conditions.
6. Standard permit conditions 1-13.

Motion passed 5-0.

6. 012-2012 410 Cleveland Street (Kennon Ward) R-2

A **Variance** to allow a new attached carport to extend into the required five (5) foot side yard setback.

Staff Report by Wade Broadhead.

Presented by Wade Broadhead

Synopsis

The subject property is located in the Mesa Junction/Aberdeen neighborhood near the intersection of Cleveland Street and Carlile Avenue. The applicant is requesting a variance to allow a new, attached, open carport to encroach five (5) feet into the south side yard setback. The proposed carport will measure approximately sixteen (16) feet by twenty (20) feet deep and sit in front of their existing garage.

Analysis

The property in question contains a house and single car garage on a very long lot. Even though the property has alley access, from the rear of the existing garage it is approximately 118 feet away to the alleyway making its use difficult, although some have chosen this option in the neighborhood. Furthermore, the existing garage was built to the property line and the narrow drive way measures nine to ten (9-10) feet and runs directly along the property line. In most instances staff does not support variances to zero (0) feet from the property line, however in this case a chimney also protrudes into the drive isle meaning any large setbacks would ruin the owners turning radius and make further protected parking impossible from their existing drive cut. The adjacent neighbor did contact staff and raised a number of concerns about blocking light to his windows and the possibility of the steep house roof water runoff coming down the new carport roof and onto his property. Staff recommends a compromise position of one foot six inches (1'6") as the setback for the posts with well maintained gutters that will capture the runoff. Staff realizes this would create an awkward turning maneuver but the applicant would still have side yard parking instead of rear yard parking. Alternatively the applicant could erect a garage in the rear of the home

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

1. Allow an encroachment of three feet six inches (3-6") with and minimum six inch wide gutter.
2. Carport must be attached to the home in a manner that satisfies the Land Use Administrator.
3. The roof of the carport must match the house, no lexan is allowed.
4. All drainage for both the existing house and addition must drain away from neighboring properties.
5. Applicant must obtain a maintenance easement on new carport within 90 days of this approval.
6. Standard permit conditions 1-13.

Aurelia Ward testified in favor of the application.

COMMISSION ACTION

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

1. Allow an encroachment of three feet six inches (3-6") with and minimum six inch wide gutter.
2. Carport must be attached to the home in a manner that satisfies the Land Use Administrator.
3. The roof of the carport must match the house, no lexan is allowed.
4. All drainage for both the existing house and addition must drain away from neighboring properties.
5. Applicant must obtain a maintenance easement on new carport within 90 days of this approval.
6. Standard permit conditions 1-13.

ADJOURN

There being no further business the meeting was adjourned at 8:10 p.m.