

Weston Burrer
Chair

Rudy Martinez
Vice Chair



Ralph Scaplo
Secretary

Mike Castellucci

Rod Johnson

Zoning Board of Appeals

Zoning Board of Appeals
City of Pueblo, Colorado
Tuesday, January 25, 2011-7:00 p.m.
Interim City Council Chambers-301 West B Street (Former Municipal Court)

Minutes

MEETING CALLED TO ORDER

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

Board Members Present: Ralph Scaplo, Rudy Martinez and Weston Burrer

Board Members Absent: Rod Johnson

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 December 28, 2010 meeting by Scaplo, second by Martinez.

Motion passed 4-0.

APPROVAL OF AGENDA

Motion to approve the consent agenda for the January 25, 2011 meeting by Scaplo, second by Martinez.

Motion passed 4-0.

PUBLIC HEARINGS AND ACTION

CONSENT AGENDA

Special Use Permit

1. 002-2011 1608 W. 32nd Street (Barbara Davis) R-1
A **Special Use Permit** to allow an elderly foster home.

BACKGROUND

Staff Report by Carrie Muchow.

Synopsis

The subject property is located in the Country Club neighborhood. According to Section 17-4-51 (3)(c)(8) of the Pueblo Municipal Code (PMC), the applicant is requesting a Special Use Permit as a Use by Review to operate an elderly foster home for a maximum of four persons who are 55 years or older.

Analysis

The applicant is proposing to have two client rooms in the home for now with the possibility of more in the future. The home is in a good location for this use being near amenities such as Fairmount Park and all the services along Highway 50.

Once the applicant receives approval, she plans to work with Blue Sky, Hospice, Social Services, and the VA.

If the applicant ever does have more than two people staying with her she will need to be certified by the state.

RECOMMENDED MOTION

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

1. Standard permit conditions 1-13.

COMMISSION ACTION

Motion to approve by Scaplo, second by Martinez with the following conditions:

1. Standard permit conditions 1-13.

Motion passed 4-0.

2. 004-2011 2618 3rd Avenue (Vanessa Lopez) R-2
A **Special Use Permit** to allow a home daycare.

BACKGROUND

Staff Report by Carrie Muchow.

Synopsis

The subject property is located in the Northside neighborhood. According to Section 17-4-51 (4)(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 children under 12 years of age.

Analysis

The State of Colorado requires 75-square feet per child of open play space for child care homes. With eight children, the minimum area needed is 600 square feet. The applicant's yard allows for more than 600 square feet as part of their designated play area. City Staff defers to the State Child Department of Human Services; Divisions of Child Care to further inspect and license the operation. Staff did not locate any sex offenders within one block of the proposed use.

RECOMMENDED MOTION

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

1. Proof of State license must be provided to the Planning Department within 90 days of this hearing.
2. Standard permit conditions 1-13.

COMMISSION ACTION

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

1. Proof of State license must be provided to the Planning Department within 90 days of this hearing.
2. Standard permit conditions 1-13.

Motion passed 4-0.

3. 007-2011 2560/2562 Taylor Lane (Susan Sanders) R-3

A **Special Use Permit** to allow an already existing tri-plex.

BACKGROUND

Staff Report by Carrie Muchow.

Synopsis

The subject property is located in the Highland Park neighborhood. The neighborhood is composed of a mix of duplexes and single family homes. According to Section 17-4-51 (5)(c)(9) of the Pueblo Municipal Code (PMC), the applicant is requesting a Special Use Permit as a Use by Review to allow a tri-plex that was built in 1983.

The use was brought to the attention of the Planning Department when the applicant requested a Certificate of Zoning. When one could not be issued it was suggested they request a Special Use Permit. The original owner built the tri-plex in 1983 and then sold it to the current owner in 1985 with no mention of any non-conforming issues with the property.

Analysis

The building appears to have been originally built as a tri-plex based on no remodel years listed on Pueblo County's property card and the records for the property have it listed as a tri-plex as far back as they go. The building's architectural style is similar to other buildings along the street and because one of the doors is

recessed and shadowed, it actually resembles a duplex which is what is along the street. The location of the tri-plex both on the street and in the neighborhood is a very reasonable place for the use.

The owner has maintained the property in nice condition and the owner has also expressed the wish to improve the property by installing front yard landscaping. The Planning Department has never received any complaints about the property or the fact that it is a tri-plex and the building meets all setback requirements with adequate parking.

RECOMMENDED MOTION

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

1. The front yard must be landscaped with the trees, bushes, and hedges as mentioned in the Applicant's Addendum B by August 15th, 2011.
2. Standard permit conditions 1-13.

COMMISSION ACTION

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

1. The front yard must be landscaped with the trees, bushes, and hedges as mentioned in the Applicant's Addendum B by August 15th, 2011.
2. Standard permit conditions 1-13.

Motion passed 4-0.

Variances

4. 005-2011 63 Cornell Circle (Bob Housman) R-2

A **Variance** to allow a new shed to encroach into the side and rear yard setbacks.

BACKGROUND

Staff Report by Carrie Muchow.

Synopsis

The subject property is located in the Sunset Neighborhood. The applicant is requesting a variance from Section 17-4-2 of the Pueblo Municipal Code (PMC), to allow a shed to extend into the side yard and rear yard setbacks. The proposed shed is twelve feet (12') wide and sixteen feet (16') long (192 sf), fourteen feet (14') tall, and would be between one foot, eight inches (1' 8") and three feet, four inches (3' 4") from the West property line and four feet, nine inches (4' 9") from the rear property line.

The shed will be sided in stucco and colored to coordinate with the browns on the house. The roofing will be asphalt shingles and the pitch will match the existing house.

Analysis

The property has more room on the East side of the back yard but the shed would either have to be placed in the middle of the yard, disrupting the usability of the yard or be placed along the fence where mature trees would have to be removed. On the West side, the ground cover is minimal and seems the best location for the structure.

Along the West Side property line the shed will be a minimum of one foot, eight inches (1' 8") away from the fence which is enough room to maintain the structure and the shed is small enough that it will not require a building permit so it's encroachment into the setback will have minimal effect on the property or the neighbor.

The property has a five foot (5') utility easement along the rear property line so the shed must be placed at least five feet (5') from the rear property line. No structure is allowed in an easement per Section 17-4-23 (a) (4) of the Pueblo Municipal Code.

RECOMMENDED MOTION

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

1. The shed must not be within any easements.
2. Standard permit conditions 1-13.

COMMISSION ACTION

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

1. The shed must not be within any easements.
2. Standard permit conditions 1-13.

Motion passed 4-0.

APPEALS

5. 069-2010 3036 N. Elizabeth (Lustigman and Wolfson, LLC) B-4

An **Appeal** to the determination that recreational vehicles cannot be housed in a Mobile Home Park.

COMMISSION ACTION

Motion to continue ZBA Case #069-2010 to the February 22, 2011 hearing by Scaplo, second by Martinez.

Motion passed 4-0.

6. 006-2011 519 Beaumont (Gradisar, Trechter, Ripperger & Roth) R-2

An **Appeal** to the determination that a towing business and storage of vehicles is not allowed in an R-2 zone.

COMMISSION ACTION

Motion to continue ZBA Case #006-2011 to the February 22, 2011 hearing by Scaplo, second by Martinez.

Motion passed 4-0.

ELECTION OF CHAIR AND VICE CHAIR

Motion to nominate Weston Burrer as Chair and Rudy Martinez as Vice-Chair by Castellucci, second by Scaplo.

Motion passed 4-0.

ADJOURN

There being no further business the meeting was adjourned at 7:15 p.m.