

Mike Castellucci
Chair

Weston Burrer
Vice Chair

PUEBLO

Zoning Board of Appeals

Allison Ernst
Secretary

Steve Anselmo

Yvonne Lujan-Slak

Minutes

September 24, 2013 - Regular Meeting City Council Chambers, 1 City Hall Place

MEETING CALLED TO ORDER

The meeting was called to order at 7:03 p.m. with Chairperson Mike Castellucci presiding.

Board Members Present: Mike Castellucci, Allison Ernst, Yvonne Lujan-Slak, and Steve Anselmo

Board Members Absent: Weston Burrer

Staff Members Present: Julie Anne Woods, Director of Planning; Jeff Bailey, P.E., Assistant City Manager for Development Services; Katie Carleo, Planner; and Paul Willumstad, Board Attorney.

APPROVAL OF MINUTES

Motion to approve the minutes from the August 27, 2013 meeting by Lujan-Slak, second by Ernst

Motion passed 4-0-1 (Burrer – absent)

APPROVAL OF AGENDA

Motion to approve agenda for Regular Hearing September 24, 2013 by Ernst, second by Lujan-Slak

Motion passed 4-0-1 (Burrer – absent)

REGULAR BUSINESS

Regular Agenda

ZBA 036-2013

A **Variance** to allow a reduction in side and rear yard setback requirements.

Staff Report by Katie Carleo

Jeri Crites (applicant) was in attendance. She stated she fully understood the status and conditions of the staff report. A Gerald Roman and John Martinez were present to testify in opposition of the application. The board heard the testimony from both gentlemen.

Commission Action:

Motion to approve subject to Staff recommended condition(s) by Anselmo, seconded by Ernst

Motion passed 4-0-1 (Burrer – absent)

ZBA 039-2013

A **Special use Permit** to allow a Home Occupation.

Staff Report by Katie Carleo

Jason Morton (applicant) was in attendance. He stated he fully understood the status and conditions of the staff report. A Thomas Smith was present to testify in opposition of the application. Also a Krystal Bernal was also present to testify in opposition, she voiced concerns about the applicant's air compressor being used late at night, causing noise. The board heard the testimony from both present.

Commission Action:

Motion to approve subject to Staff recommended condition(s) by Ernst, seconded by Anselmo; with the additional conditions:

1. Any machines associated with the business permitted to operate between 9AM and 7PM
2. Customers to the home allowed between the hours of 9AM and 8PM

Motion passed 4-0-1 (Burrer – absent)

ZBA 032-2013

A **Variance** to allow a reduction in front yard setback requirements; to allow accessory structures to exceed size of primary structure; and for architectural compatibility.

Staff Report by Katie Carleo

Daniel Ramos (applicant) was in attendance. He stated he fully understood the staff report. Discussion of the increase of size to Accessory Structure 2 was presented. The Zoning Board of Appeals does not have the legal authority to grant a variance to the PMC size requirements.

Commission Action:

Variance for setback requirements of attached deck.

Motion to approve, subject to Staff recommended condition(s), by Ernst, seconded by Lujan-Slak.

Motion passed 4-0-1 (Burrer – absent)

Variance for setback requirements of detached accessory structure.

Motion to approve, subject to Staff recommended condition(s), by Lujan-Slak, seconded by Ernst.

Motion passed 4-0-1 (Burrer – absent)

Variance for architectural compatibility for detached accessory structure.

Motion to approve, subject to Staff recommended condition(s), by Ernst, seconded by Anselmo.
Motion passed 4-0-1 (Burrer – absent)

ZBA 040-2013

A **Special use Permit** to allow an Independent Living Facility in a B-3 zone district.

This case was continued from the Special Hearing held September 11, 2013. Mr. Castellucci, Chairman, opened the case.

DETERMINATION

A determination of jurisdiction was presented to the Zoning Board of Appeals for the use of Multi-Family Residential as it applied to case ZBA 040-2013 by Ben Settecase, Director of Development for Bonnaventure. Bonnaventure owns the adjacent property to the north. He submitted a letter against the use of “multi-family residential” in regards to this case. Jim Borgel, attorney present representing Bonnaventure, was present and presented their findings to support their argument against the determination that the Zoning Board of Appeals has the jurisdiction to hear the case.

A letter of further information from the Department of Planning Administrative Official, Jeff Bailey, had been submitted to the Zoning Board of Appeals per their request. Mr. Tom Cone, property owner, and attorney representation for the applicant gave testimony for support of the determination.

Commission Action:

Motion by Anselmo, that the Zoning Board of appeals does see “multi-family residential” as more than 4 dwelling units; seconded by Ernst.

Lujan-Slak: Yes

Anselmo: Yes

Castellucci: Yes

Ernst: Yes

Burrer: absent

Motion passed 4-0-1 (Burrer – absent)

Meeting was called for a break at 9:55PM

Meeting resumed at 10:01PM

Since the Board determined they had the jurisdiction to hear the case Mr. Castellucci, Chairman, opened the case for testimony. Applicant was in attendance. He stated he fully understood the status and conditions of the staff report. Mr. Ben Settecase was present to testify in opposition. The board heard testimony from both applicant and Mr. Settecase in opposition.

Commission Action:

Motion to approve subject to Staff recommended condition(s) by Ernst, seconded by Lujan-Slak.

Motion passed 4-0-1 (Burrer – absent)

ADJOURN

There being no further business the meeting was adjourned at 10:31 p.m.