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Chair

Steve Anselmo  
Vice Chair



Lisa Bailey  
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Mike Castellucci

Sarah French

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## ZBA-20-51

**To:** City of Pueblo Zoning Board of Appeals  
**From:** Bart Mikitowicz, Planner  
**Through:** Scott Hobson, Land Use Administrative Official  
**Date:** 1/26/2020  
**Request:** **A Special Use Permit to allow for an automobile repair shop as Commercial, established in a Single-family Residential (R-2) Zone District.**  
**Site Location:** **1640 E 2nd St, Pueblo, CO 81001**  
**Legal Description:** E 15 FT OF N 80 FT LOT 17 + N 80 FT LOTS 18 TO 20 BLK 272 EAST PUEBLO HEIGHTS SUB  
**Year Built:** 1926  
**Applicant:** Ross Saiz, Summit Auto Repair  
**Property Owner:** Christy Alberici  
**Zone District:** Single-Family Residential (R-2) Zone District

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### BACKGROUND

The subject property (1,131 sqft.), built in 1926, is a commercial business built in the East Pueblo Heights subdivision. According to Section 17-4-51 (3)(c) (3.1) of the Pueblo Municipal Code (PMC), The owner, Christy Alberici, is seeking a Special Use Permit to allow for an automobile repair shop as Commercial, established in a Single-family Residential (R-2) Zone District.

Commercial, established is defined as a commercial establishment that was operational in a commercial structure any time prior to February 1, 1968; therefore, allowing the same use may be reinstated if authorized by the Zoning Board of Appeals.

The property located at 1640 E. 2<sup>nd</sup> St. has historically operated as an automobile repair shop.

- 1958 – 1974 Vaught Auto
- 1974 – 2005 East 2<sup>nd</sup> Street Garage
- 2005 – 2013 John Cullen

According to the the applicant, the Property has been operating as Summit Auto since 2013, however according to the records it has been doing so without an active business license. At this time the owner wishes to (officially) reestablish this property's use as an automobile repair shop under the commercial, established provision of Title XVII for this zone district. The planning staff has reviewed this case and despite some reservations of the continuity of service provided, sees this ultimately as viable neighborhood serving business. We are also encouraged by reinvestment in this property, and as a licensed business it will again generate tax revenue for the city.

**ZONING DISTRICT AND LAND USE**

Zone:		Developed with:
North	Single Family Residential (R-2) Zone District	Single Family Homes
East	Single Family Residential (R-2) Zone District	Single Family Homes
South	Single Family Residential (R-2) Zone District	Single Family Homes
West	Single Family Residential (R-2) Zone District	Single Family Homes

**PUBLIC NOTICE**

The property was publicly noticed in accordance with Title 17 Section 17-5-33(2) of the City of Pueblo Municipal Code. Specifically, the hearing was published in the Pueblo Chieftain, surrounding property owners within 100 feet of the property were notified by mail, and a sign was placed on the site (See Attachment E). These notices occurred at least 10 days prior to the hearing.

**OTHER AGENCIES**

Code Compliance	No comment
Law Enforcement	No comment
City Engineering	No comment
Fire Protection	No comment
Energy	No comment
Telecommunication	No comment
Parks and Recreation	No comment
Stormwater	No comment
Wastewater	No comment
Waterworks	No comment
Traffic	No comment

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**CONDITIONS REQUIRED FOR LIMITED USE PERMIT**

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

**Comments:** Affirmative finding. The property has direct access off Portland Ave, and an access gate along E. 2<sup>nd</sup> St.

2. Off-street parking and loading areas where required, with particular attention to the economic noise, glare or odor effects of the use by review on adjoining properties and properties generally in the district.

**Comments:** Affirmative finding. The property owner has indicated six (6) off-street parking spots accessed via Portland Ave, and additional parking in the fenced in yard on the western portion of the property.

3. Refuse and service areas, with particular reference to the items above.

**Comments:** Neutral finding. All garbage will be maintained onsite, in a residential tote. However, the scale of debris including oil and chemicals could create a nuisance if not addressed appropriately

4. Utilities, with reference to the location's availability and compatibility.

**Comments:** Affirmative finding. Utilities are established.

5. Screening and buffering with reference to type, dimensions, and character.

**Comments:** Affirmative finding. There is an existing fence along the north, south, and west property lines that is in disrepair. This is addressed further in the staff conditions.

6. Signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect and compatibility and harmony with properties in the district.

**Comments:** Affirmative Finding. Any proposed signs must conform with Sec. 17-10-05 Sign Standards of the Pueblo Municipal Code.

7. Required yards and other open space.

**Comments:** Affirmative finding.

8. General compatibility with adjacent properties and other property in the district.

**Comments:** Affirmative finding. As an established commercial property, this use does not pose any new negative externalities to the adjacent properties.

#### **PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION**

The use will conform to the zone district. Staff recommends APPROVAL with the following staff conditions and Standard Permit Conditions 1 through 13.

#### **STAFF CONDITIONS - All conditions must be met prior to business license approval.**

1. Hours of business must not exceed 7:00 am to 7:00 pm.
2. All fencing must be repaired, made opaque, adequately maintained, and uniform in construction.
3. All building surfaces (including additions: indicated on page 9) visible from the public right-of-way residential properties should be painted to match the existing structure.
4. All areas of adjacent to the property in the Right-of-Way should be kept clear of brush and debris.

5. Wall or fence, or the gates thereof, shall not contain any advertising sign or poster other than that needed to identify the enclosed business.
6. There shall be no stacking of automobiles, salvage or other materials which shall be visible above the surrounding enclosure or gates from ground level.
7. Operations, including storage, shall not encroach upon or use any area outside the enclosure.
8. No salvage uses are allowed on-site.
9. Remove existing salvage materials and debris from western portion of the lot.

**Exhibit A. Standard Permit Conditions**

<b>Standard Permit Conditions</b> Date of Issuance of Permit: <b>1/26/2021</b>	
1.	<b>Time Limits</b> Zoning permit shall become invalid unless work or action authorized by permit is fully executed by <b>1/26/2022</b>
2.	<b>Required Revisions</b> Any revisions or additions to plans required as a result of approval must be submitted and stamped “approved” prior to the sign-off of the building permit routing slip or business license.
3.	<b>Changes</b> The project shall be completed as shown on the plans, which have been stamped “approved” and dated by the Department of Planning and Community Development. The project shall not deviate from the approved plans without prior written approval from the Department of Planning and Community Development.
4.	<b>Property Inspection</b> By acceptance of this permit, Permit holder authorizes City Officials and/or their authorized representatives, access to the subject property for purpose of observing work in progress, inspecting and/or measuring the property or improvements as long as the use authorized by this permit remains in effect.
5.	<b>Certificate of Occupancy</b> A certificate of occupancy must be issued by Regional Building <u>PRIOR</u> to use and/or occupancy of the subject premises. Prior to issuance, the Department of Planning and Community Development must certify that work has been completed in accordance with approved plans and that applicable conditions have been met. The Permit holder may be required to provide a Letter of Credit to obtain a Certificate of Occupancy prior to completion of all required improvements.
6.	<b>Completion and Maintenance of Improvements and Landscaping</b> Permit holder or successor in interest is responsible for completing all improvements shown on approved plans. By acceptance of this permit, Permit holder agrees to maintain all improvements in a satisfactory condition. Any landscaping installed according to the approved plan which becomes diseased or dies shall be replaced by similar species and size no later than the first available planting season.
7.	<b>Building Permit; Other Permits</b> Permit holder is solely responsible for obtaining <u>BUILDING PERMIT</u> and all other applicable local, state and federal permits.
8.	<b>Off-Site Drainage</b> Issuance of this permit does not authorize the discharge of stormwater runoff or other surface drainage from the subject premises onto adjoining property or properties.
9.	<b>Appeals</b> of a decision of the Land Use Administrator can occur up to thirty (30) days following such decision. Appeals of Zoning Board of Appeals decisions can occur up to thirty (30) days following final decision. Any work done in connection with this permit prior to the expiration of all applicable appeal periods is done <u>SOLELY</u> at the risk of the Permit holder.
10.	<b>Errors</b> Permit holder is solely responsible for the accuracy of all information contained in the Zoning Permit form and in accompanying documentation. Any errors contained therein may invalidate the Zoning Permit and may result in issuance of a code violation citation and prosecution.
11.	<b>Transfer of Ownership</b> In the event of a transfer of ownership, partial or whole, of the subject premises, the transferee shall become Permit holder and subject to compliance with the terms and conditions of this permit.
12.	<b>Violations/Penalties</b> A violation of any of the conditions of this permit or of any provision of the Pueblo Municipal Code may result in a penalty of up to three hundred dollars (\$300) per day.
13.	<b>Incorporation and Reference of All Plans Presented to the Zoning Board of Appeals.</b> This approval incorporates by reference all plans and drawings presented and all verbal representations by the applicant at Zoning Board of Appeals meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions or regulations.

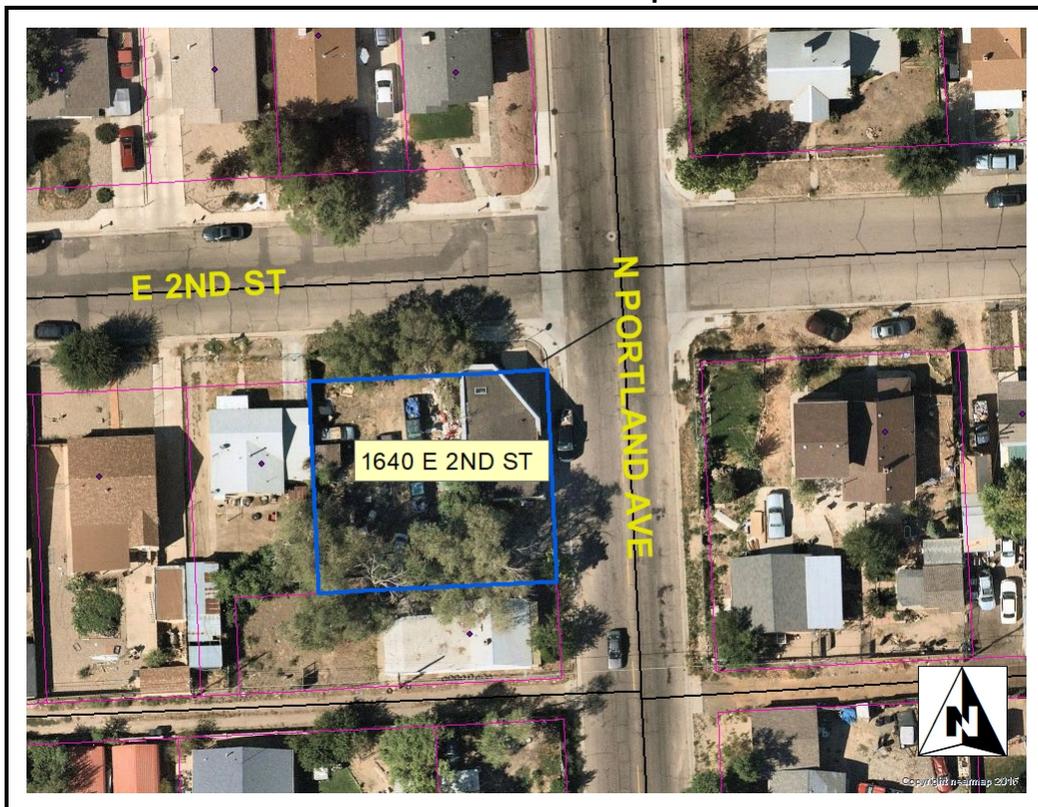
**ATTACHMENTS**

- A. Standard Permit Conditions
- B. Site Map
- C. Aerial Map
- D. Zoning Map
- E. Comprehensive Plan Map
- F. Public Notice Photo
- G. Site Photographs
- H. Application
- I. Supporting documentation

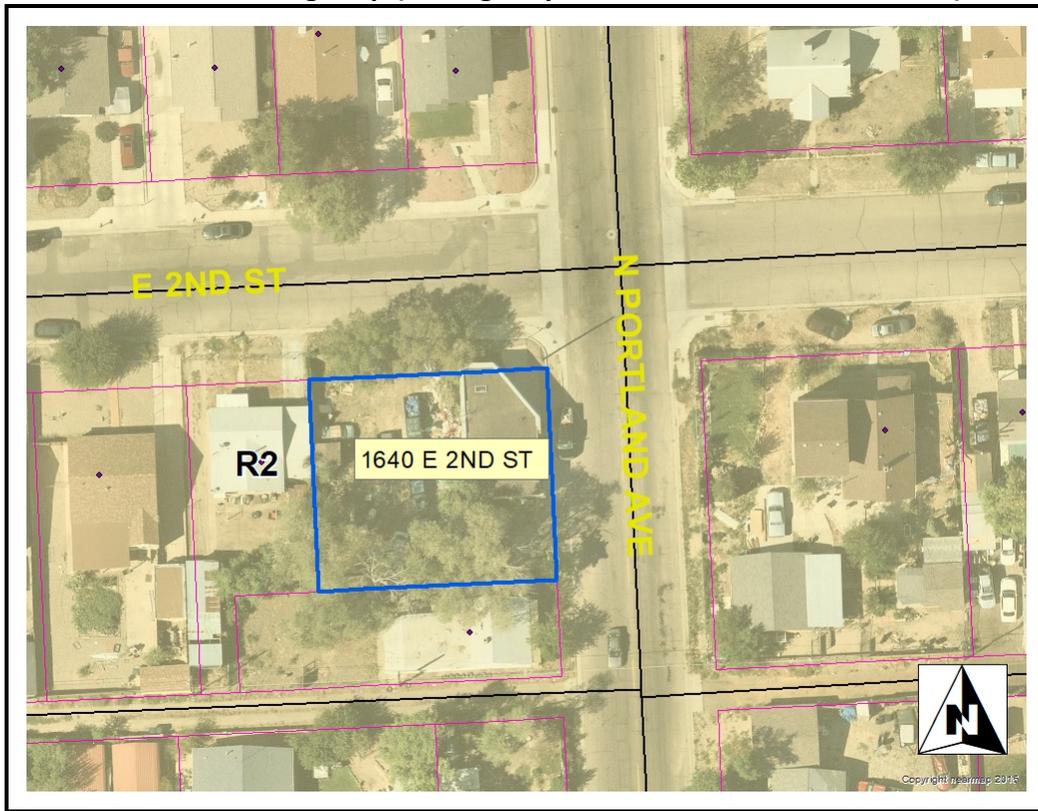
**Exhibit B. Site Map**



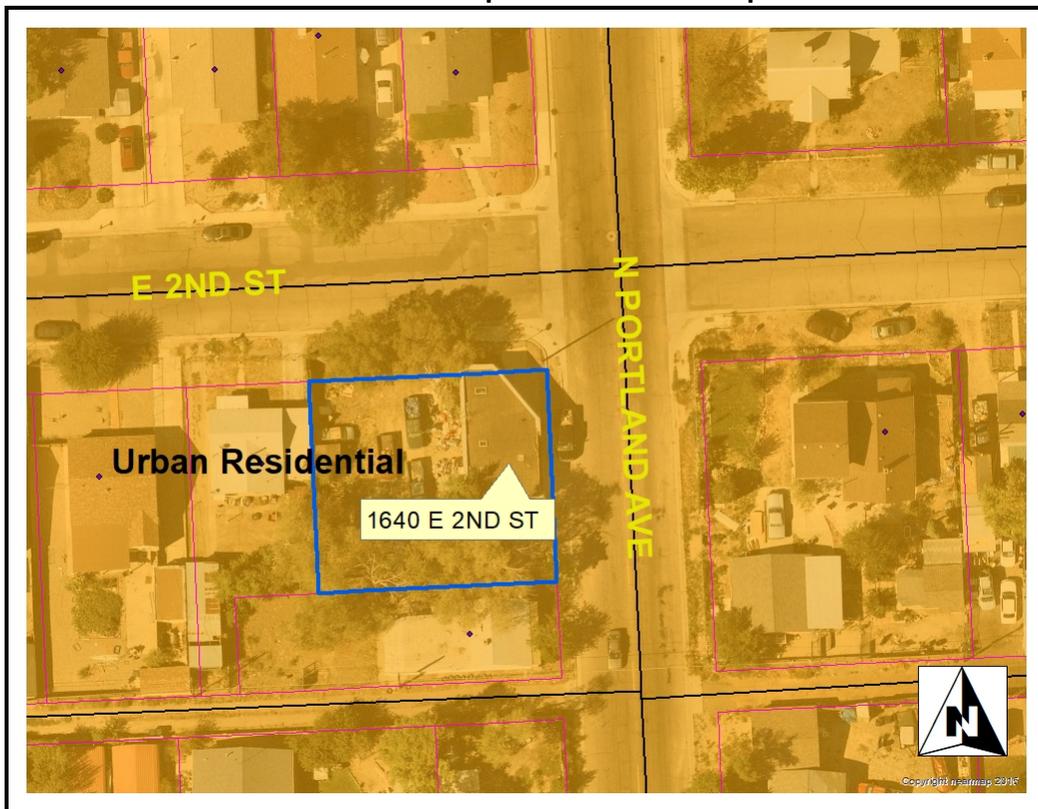
**Exhibit C. Aerial Map**



**Exhibit D. Zoning Map (Zoning Map Amendments Recommended)**



**Exhibit E. Comprehensive Plan Map**



**Exhibit F. Public Notice**



**Exhibit G. Site Photos**







**Figure 1: Addition in upper right corner to be painted to match.**

PICTURES TAKEN FROM N. PORTLAND AVE FACING WEST & E 2<sup>ND</sup> STREET FACING SOUTH

H. Application



Planning & Community Development

211 East D Street | Pueblo, Colorado 81003 | Tel 719-553-2259 | Fax 719-553-2359 | TTY 719-553-2611 | www.pueblo.us

Zoning Board of Appeals Application

Please type or print clearly. Illegible applications will not be accepted. Case #:

Property Owner:		Applicant (If different from property owner):	
Contact Info	Name:	John Bullon	Ross SAIZ
	Address:	1900 STEPHENS	Summit Auto Repair
	City, State & Zip:	81006	1640 E 2nd
	Phone:	(719) 250-3118	Pueblo Colo 81001
	Email:		Phone: (719) - Cell: (719) 299-6766
No email will pickup		Materials	
The applicant will be the primary contact unless otherwise noted.			
Property Info	Project Location:		1640 E 2nd
	Legal Description:		MACHANIC SHOP
	Parcel No:	Existing Zone:	R-2
Project Information	General Information		
	Provide a short description of the proposed request: (separate narrative as Attachment A also required)		
	What is the general use of the property: <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Multi-Family <input type="checkbox"/> Other X R-5		
	Scope of work: Commercial established Section 17-2-2	<input checked="" type="checkbox"/> Special Use Permit (Limited Use Permit): <input checked="" type="radio"/> Use by Review <input type="radio"/> Home Daycare <input type="radio"/> Home Occupation (Total # of children: _____) J.C. <input type="radio"/> Other: Auto MACHANIC'S Automobile repair, repair Shop including minor auto body work per historical use of the property	
<input type="checkbox"/> Variance: <input type="radio"/> Setback <input type="radio"/> Parking <input type="radio"/> Landscape <input type="radio"/> Lighting <input type="radio"/> Height <input type="radio"/> Signs		<input type="checkbox"/> Appeal: <input type="radio"/> ZBA Decision (Case Number: ZBA-____-____) <input type="radio"/> Administrative Official Determination <input type="radio"/> Other: _____	
<input type="checkbox"/> Other: _____			

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<b>Attachments</b>	<b>Attachment Checklist:</b>	
	The following list of attachments are required to accompany all applications: <input type="checkbox"/> A. Detailed explanation of the request as listed above. Be specific. <input type="checkbox"/> B. Justification of facts required for the request. Be specific <input type="checkbox"/> C. Site plan, if variance. Must depict requested variance on plan. <input type="checkbox"/> D. Applicable application (i.e. business license, Home Occupation Questionnaire). <input type="checkbox"/> E. Photographs. <input type="checkbox"/> F. Additional information that you believe justifies the request. <input type="checkbox"/> G. Copy of determination letter, if appealing Administrative Official Determination. <input type="checkbox"/> H. Pueblo County Assessor's Property Information print out ( <a href="http://www.co.pueblo.co.us">www.co.pueblo.co.us</a> )	
<b>Terms</b>	By signing below, the Property Owner and Applicant are representing that each understands and agrees to the following terms: 1. Authorized personnel from the City of Pueblo, are hereby granted the right to enter the subject property for the purposes of reviewing and processing the application. 2. There are no known hazards or vicious animals present on the subject property. 3. All requisite fees have been paid to the City of Pueblo. 4. All information in this application, and all attachments, are true and accurate to the best of my knowledge. 5. The City of Pueblo is under no obligation to approve the request contained in this application. No promises of approval are conveyed with the acceptance of this application. 6. It is highly recommended that a licensed surveyor complete a property survey before any construction takes place. The property owner is responsible for any construction that takes place within the boundaries of their property. The city may require any construction built outside of the property legal boundaries or within any setbacks (by intent or error), to be removed at the owners' expense.	
	<b>Property Owner</b>	
<b>Signatures</b>	Print Name:	
	Signature:	Date:
	<b>Applicant, if different from Property Owner</b>	
	Print Name:	<i>John Cullen</i>
Signature:	<i>John Cullen</i>	Date: <i>12-22-20</i>

I am not able to attend a virtual meeting.  
 I prefer to attend the hearing in person.  
*John Cullen*

<b>Office Use Only</b>	<b>Zoning Compliance (Completed by City Staff)</b>	
	Application received by:	Date:
	Application checked for completeness by:	Date:
	Case Manager:	Fee Paid:
	Hearing date:	<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Approved w/conditions
Case #:		

**Exhibit I. Supporting Documents**

*Summit Auto New applicant*

**Pueblo County Assessor Parcel 432222002**

**Name:** ALBERICI CHRISTY  
**Location Address:** 1640 E 2ND ST, PUEBLO, CO 81001 4125  
**Mailing Address:** 1900 SAINT CHARLES RD , PUEBLO, CO 81006 9705  
**Assessor Nhd:** 7048 ( ) **Tax District:** 60B  
**Legal Description:** E 15 FT OF N 80 FT LOT 17 + N 80 FT LOTS 18 TO 20  
 BLK 272 EAST PUEBLO HEIGHTS SUB

**Land Information:** 0.00 Acres **Abstract Class** COMM LAND/SPEC PURPOSE (R-2) **Actual Value** 4340 **Assessed** 1260\*

**Improvements:** COMMERCIAL SPECIAL PURPOSE 13532 3920

**Total Value, Land and Imps:** 17872 5180

**Non-Residential Structure #1** **Year Built:** 1926 **Year remodeled:** N/A  
 Masonary **Use:** 100% LIGHT COMMERCIAL UTILITY  
 \*COMMERCIAL SPECIAL PURPOSE  
 Average Quality

**Building Area:** 1313 **Perimeter:** 176  
**Number Stories:** 1 **Basement Area:** 0  
**Finished Basement:** 0 **Mezzanine Area:** 0  
**Wall Height:** 12 **Floor?:** yes  
**Electrical?:** no **Plumbing?:** no  
**Elevator?:** no **Sprinkler?:** no  
**HVAC:** N/A

FOR ALL OF 2013 AND THEREAFTER... DO NOT REMOVE THIS LABEL FROM THE VENDOR'S/PROVIDER'S FILE

*1932 Polk Dir  
 Wirt Auto Parts  
 Reynold Wirt  
 lived there for*

**Current Tax Information for tax year 2019**

**Mill Levy:** 0 **Property Type:** PCD FEE **Total Tax Amount:** \$ 2.38  
**Mill Levy:** 99.101 **Property Type:** REAL **Total Tax Amount:** \$ 513.64

**Current Transfer Information**

<u>Sale Date</u>	<u>Sale Amount</u>	<u>Grantor</u>	<u>Grantee</u>	<u>Other Details</u>
08/12/05 1633815	20000	JARAMILLO ROBERT + R	ALBERICI CHRISTY	Rcpt# 1633815 Bk/Pg 0/0 HISTORY UPDATE
04/30/75 657693	8000	JARAMILLO ROBERT + R	JARAMILLO ROBERT + R	Rcpt# 657693 Bk/Pg 0/0
10/29/74 482875	N/A	(VAUGHT NETTIE FAY)		Rcpt# 482875 Bk/Pg 0/0
N/A 140013	N/A	(VAUGHT NETTIE FAY)	(VAUGHT NETTIE FAY)	Rcpt# 140013 Bk/Pg 0/0

This property has been rented to Ross Saiz since 2013 & has been in business as Summit Auto Repair. He would not have paid rent or utilities if there had been no service to the address. We have attached a statement from Ross confirming this.

If necessary we could get witnesses confirming this address has been an active business for years.

This address was zoned for business in 1926 & brought into the city in 1968. There should be no reason for zoning to change from then til now.



PO Box 6006  
Rapid City, SD 57709  
Phone: 888-890-5554  
Fax: 800-540-2486  
[www.blackhillsenergy.com](http://www.blackhillsenergy.com)  
December 2, 2020

JOHN CULLEN  
1900 SAINT CHARLES RD  
PUEBLO, CO 81006

To whom it may concern:

Listed below is the information you requested.

Account number: 0237697680  
Account name: JOHN CULLEN  
Service location: 1640 E 2ND ST  
PUEBLO CO 81001 4125  
Utility type: Electric  
Dates of service: 05/31/2013 to Current

If you have any questions, please call our Customer Service Center at 888-890-5554.

Sincerely,  
Customer Service

## GOAL

To OBTAIN CERTIFICATE OF NON-CONFORMING USE OR COMMERCIAL SPECIAL PURPOSE. IF UNABLE TO ZONE AS LISTED ABOVE, WOULD LIKE TO ZONE AS LIGHT DUTY MECHANIC SHOP.

ADDRESS HAS BEEN IN BUSINESS FOR LAST 7 YEARS. ENCLOSED IS A LETTER FROM BLACK HILLS ENERGY SHOWING SERVICE FROM 5-31-2013 TO CURRENT. BOARD OF WATER WORKS SHOWS SERVICE FROM 5-20-2013 TO 11-4-2015. THEN TURNED BACK ON 12-19-2017. THE REASON SERVICE WAS OFF WAS BECAUSE WATER LINE HAD BEEN DAMAGED. WE WEREN'T AWARE OF THE DAMAGE BUT COULDN'T FIND AN EXPLANATION FOR GETTING JUST A TRICKLE OF WATER. FINALLY THE DAMAGE WAS DISCOVERED BETWEEN THE METER + MAIN. BEFORE REPAIRS COULD BE DONE, WE HAD TO DECIDE WHO WAS LIABLE FOR REPAIRS + WHO WE COULD FIND TO PERFORM THOSE REPAIRS + WORK US INTO THEIR TIMETABLE. PATE CONSTRUCTION COMPLETED THE PROJECT AT A COST OF \$6579.76 WHICH I PAID FOR.

BOARD OF WATER WORKS ALSO SHOWS AN INTERRUPTION IN SERVICE FROM 1-31-20 TO 6-8-2020. THEY CLAIM IT WAS FOR NON-PAYMENT BUT AT NO TIME DURING THOSE MONTHS WERE WE WITHOUT SERVICE.

