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## ZBA-20-52

**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 salvage yard in an Industrial (I-2) Zone District.**  
**Site Location:** **300 N. Vision Ln, Pueblo, CO 81001**  
**Legal Description:** **Lots 1 and 2, Block 1, Trinity Subdivision**  
**Year Built:** 1977  
**Applicant:** **Austin Steir**  
**Property Owner:** Austin Steir  
**Zone District:** Industrial (I-2) Zone District

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### BACKGROUND

The subject property is an automobile salvage yard in the Granton subdivision found in the southeast quadrant of the city. It has been operating as a salvage yard since April of 2017 when a Special Use Permit was issued by the Zoning Board of Appeals. Soon after the owners began the process of expanding operations to parcels 433012002 and 433012003 immediately to the south. This required these parcels to be rezoned from B-3 to I-2, through the Planning and Zoning Commission and City Council, which was completed in August of 2018 (Ordinance #9336).

In November, the applicant received a notice of violation from the City of Pueblo Code Enforcement Division (Exhibit I) pertaining to the current use of parcels 433012002 and 433012003 as a salvage yard without a Special Use Permit (SUP) and corresponding improvements needed for such in an Industrial (I-2) Zone District. The owner does have the appropriate SUP for one of the three parcels and screening for much of the contiguous properties which form the salvage yard; however, they wish to bring the whole site into compliance with the code.

To complete this process the applicant must now apply for a second Special Use Permit to allow for an automobile salvage yard in recently rezoned Industrial (I-2) Zone District parcels.

**ZONING DISTRICT AND LAND USE**

Zone:		Developed with:
North	I-2 Industrial District	Undeveloped
East	S-3 Flood Plain District	Flood Plain
South	B-3 Highway and Arterial Business District	Undeveloped
West	B-4 Central Business District	Storage

**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 is accessed via N Vision Lane.

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 has adequate off-street parking off N Vision Lane

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

**Comments:** Affirmative finding. All refuse is collected and maintained on-site.

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:** Negative Finding. Some areas of fencing are inadequate and in a state of disrepair, this topic is further addressed 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. Adequate passageways are required to allow unobstructed passage of fire-fighting vehicles. It appears these passageways exist; The Fire Dept. did not provide additional comment.

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

**Comments:** Affirmative finding. The adjacent properties to the east include another salvage yard and a rock quarry.

**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**

1. All fencing must be repaired, made opaque, adequately maintained, and uniform in construction.
2. Owner must full comply with the salvage yard conditions outlined in Sec. 9-7-16 thru 9-7-20, with specific attention to the highlighted sections.

**Sec. 9-7-16. - Salvage and storage premises to be enclosed.**

- (a) It shall be unlawful for any person to maintain a salvage yard or salvage shop in the City or any place for the storage of wrecked or unusable automobiles awaiting repairs unless such business or storage is carried on entirely inside a building or unless the premises on which such business or storage is carried on be entirely enclosed by a solid fence at least seven (7) feet in height. Such fence shall be a masonry wall, a wooden fence or an ornamental hedge. Variances may be permitted as prescribed in Section 9-7-18. Such fence shall be maintained in a neat, substantial, safe condition. Gates for access to said premises shall swing inwardly, and such gates shall be kept closed when the premises are not open for business.
- (b) Such wall or fence, or the gates thereof, shall not contain any advertising sign or poster other than that needed to identify the enclosed business.
- (c) There shall be no stacking of automobiles, salvage or other materials which shall be visible above the surrounding enclosure or gates from ground level.
- (d) Salvage operations, including storage, shall not encroach upon or use any area outside the enclosure.

**Sec. 9-7-17. - Salvage storage; passageways.**

Salvage in an enclosed yard shall be so piled or placed that adequate passageways are open to permit the unobstructed passage of fire-fighting vehicles. Salvage in an enclosed building shall be so placed that adequate aisles and passageways are open to permit the unobstructed passage of firefighters and hoses.

**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**

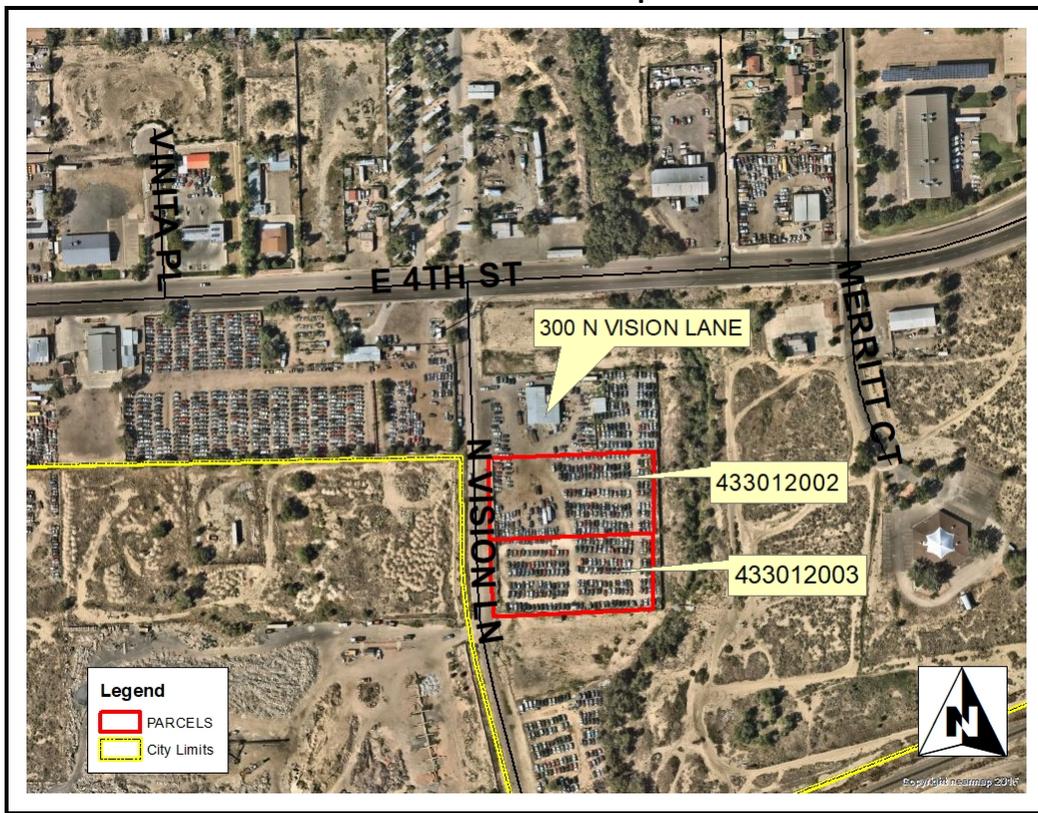


Exhibit C. Aerial Map

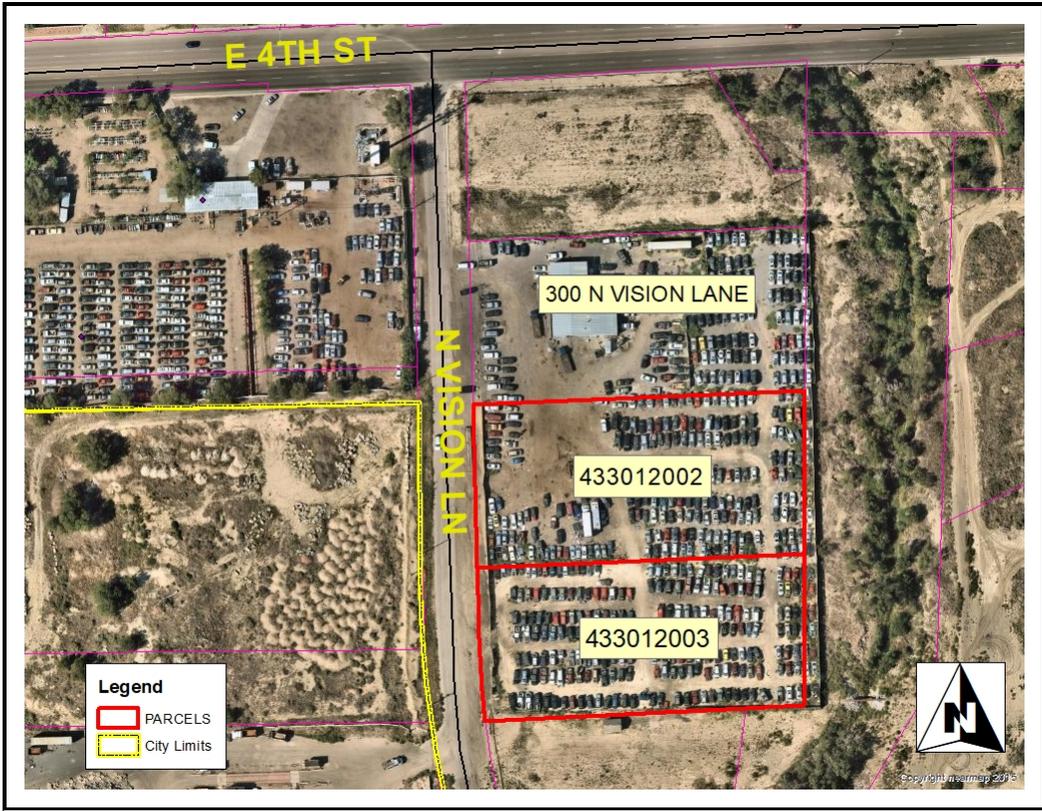
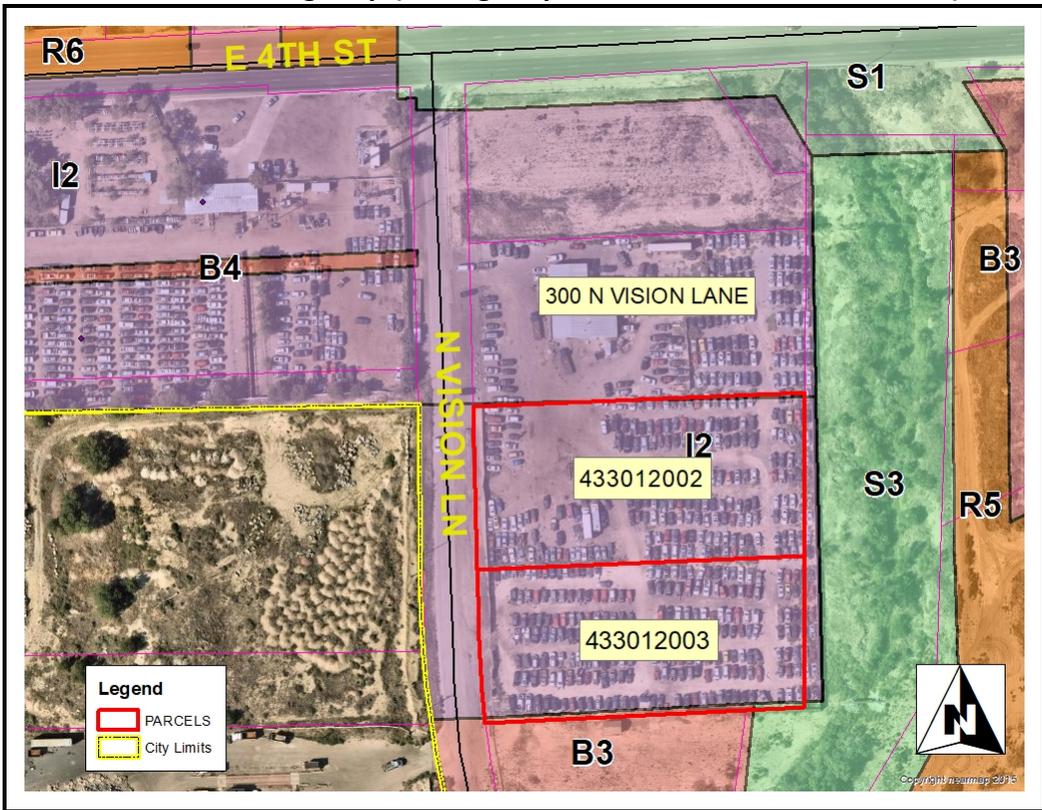
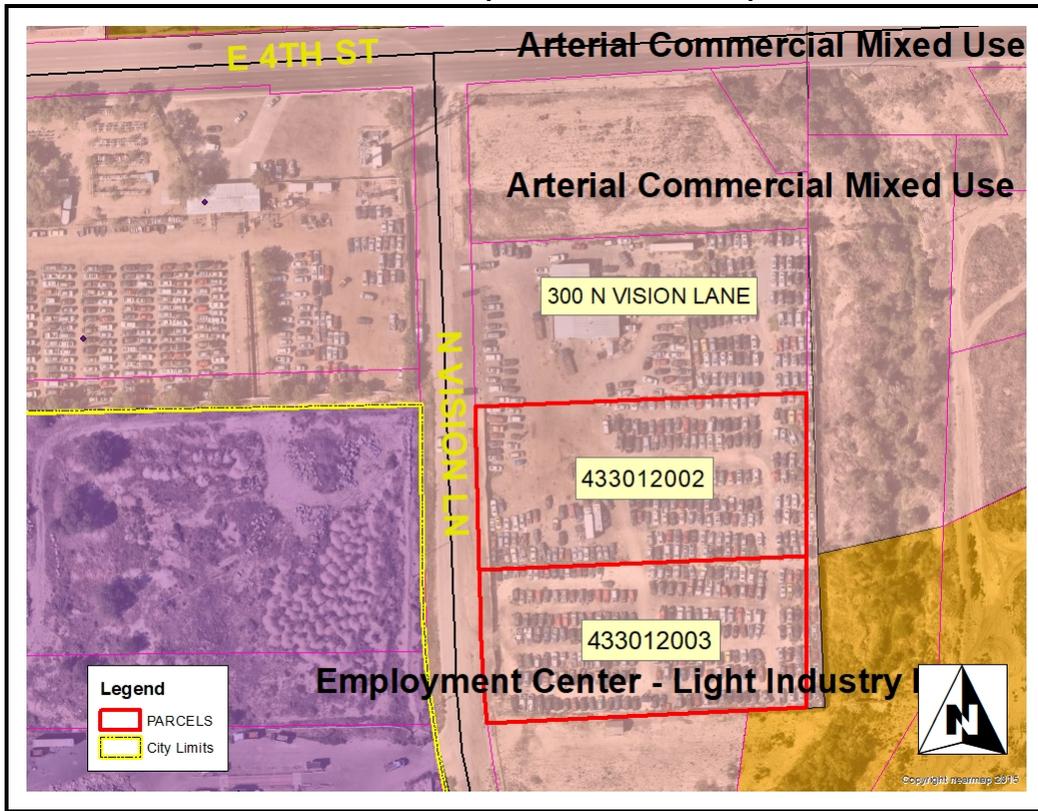


Exhibit D. Zoning Map (Zoning Map Amendments Recommended)



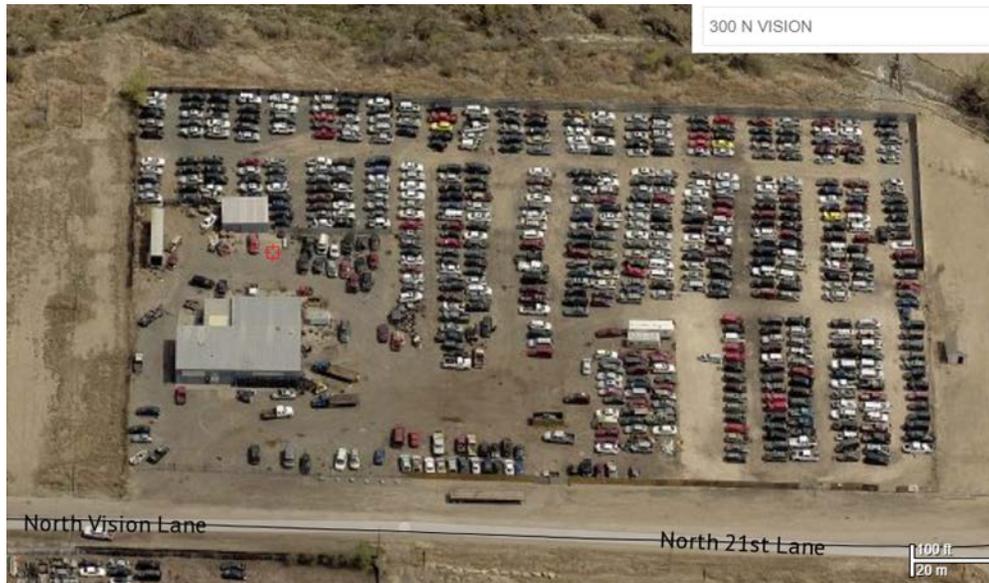
**Exhibit E. Comprehensive Plan Map**



**Exhibit F. Public Notice**



**Exhibit G. Site Photos**



ALL PHOTOS TAKEN FROM VISION LANE FACING EAST



**H. Application**



**Planning & Community Development**

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 #:

<b>Contact Info</b>	<b>Property Owner:</b>		<b>Applicant (If different from property owner):</b>	
	Name: <i>Austin Steir</i>		Name:	
	Address: <i>300 N Vision Ln</i>		Company:	
	City, State & Zip: <i>Pueblo, CO 81001</i>		Address:	
	Phone: <i>(719) 248-2986</i>		City, State & Zip:	
	Email: <i>AustinSteir@gmail.com</i>		Phone: ( )	Cell: ( )
		Email:		
<i>The applicant will be the primary contact unless otherwise noted.</i>				
<b>Property Info</b>	<b>Project Location:</b> <i>300 N Vision Ln</i>			
	Legal Description: <i>Trinity Sub Division Block 1 Lot 1 &amp; 2</i>			
	Parcel No: <i>433012002 &amp; 433012003</i>		Existing Zone:	
	Property Size: <i>40,000 Square Feet</i>			
<b>Project Information</b>	<b>General Information</b>			
	Provide a short description of the proposed request: <i>use permit for both parcels - to get a special to operate our salvage yard</i>			
	What is the general use of the property: <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Multi-Family <input type="checkbox"/> Other			
	Scope of work: <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: _____) <input type="radio"/> Other: _____			
	<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="radio"/> Other: _____			
<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: _____				

06/2020

(Continue Next Page)(Continued from Page 1)

<b>Attachments</b>	<b>Attachment Checklist:</b>	
	<p>The following list of attachments are required to accompany all applications:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> A. Detailed explanation of the request as listed above. Be specific.</li> <li><input type="checkbox"/> B. Justification of facts required for the request. Be specific</li> <li><input type="checkbox"/> C. Site plan, if variance. Must depict requested variance on plan.</li> <li><input checked="" type="checkbox"/> D. Applicable application (i.e. business license, Home Occupation Questionnaire).</li> <li><input type="checkbox"/> E. Photographs.</li> <li><input type="checkbox"/> F. Additional information that you believe justifies the request.</li> <li><input type="checkbox"/> G. Copy of determination letter, if appealing Administrative Official Determination.</li> <li><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></li> </ul>	
<b>Terms</b>	By signing below, the Property Owner and Applicant are representing that each understands and agrees to the following terms:	
	<ol style="list-style-type: none"> <li>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.</li> <li>2. There are no known hazards or vicious animals present on the subject property.</li> <li>3. All requisite fees have been paid to the City of Pueblo.</li> <li>4. All information in this application, and all attachments, are true and accurate to the best of my knowledge.</li> <li>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.</li> <li>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.</li> </ol>	
<b>Signatures</b>	Property Owner	
	Print Name:	Austin Steir
	Signature:	<i>[Signature]</i> Date: 12/28/20
	Applicant, if different from Property Owner	
<b>Signatures</b>	Print Name:	
	Signature:	Date:

<b>Office Use Only</b>	<b>Zoning Compliance (Completed by City Staff)</b>	
	Application received by: CS	Date: 12/29/20
	Application checked for completeness by: CS	Date: 12/29/20
	Case Manager:	Fee Paid:
	Hearing date: 1/26/21	<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Approved w/conditions
Case #:		

**Exhibit I. Supporting Documents****Beritt Odom**

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**From:** Alan Lamberg  
**Sent:** Wednesday, December 9, 2020 5:14 PM  
**To:** austinsteir@gmail.com  
**Cc:** Beritt Odom; Michael Cira; Karen Elgin; Chelsea Stromberg; Carol Martinez; Emily Saccomano; Bartholomew Mikitowicz  
**Subject:** apply for 2nd SUP for additional premises for 300 Vision Ln  
**Attachments:** vision ln properties and zoning.pdf; trinity 1981.pdf; Granton 1923.pdf; EMAIL-ZBA 17-07 Report SUP-300 N Vision Ln.pdf

Good afternoon, Austin. Thank you for calling about helping the salvage yard at 300 N Vision Ln. Principal Planner Beritt Odom and I discussed what will be the appropriate next step. I'm also copying Michael Cira. Perhaps Code Enforcement can grant a stay of enforcement while you apply for your zoning permit. That would enable you to conditionally renew your business license.

I'm copying our colleagues in the Planning Dept so they will understand the context of your application.

**Next step**

Since you already have a special use permit (SUP) for the original premises, case ZBA-17-07, Beritt and I agreed that you can apply for a 2<sup>nd</sup> SUP for the other premises, which will include both parcels of land.

When you apply for the special use permit, please include in the legal description "lots 1 and 2, block 1, Trinity Subdivision" and include those two parcel numbers, 433012002 & 433012003.

**Helpful background**

Attached is a map exhibit that shows:

- Aerial photo, September 2020
- Zone Districts
- Corporate map (lot 4, parcel 433012005 is in the Trinity Subdivision, platted 1981.)

The land is comprised of two different subdivisions. Granton, platted in 1923, and Trinity, platted in 1981. (Attached are the plats.)

There was a special use permit granted by the Zoning Board of Appeals for a salvage yard in an I-2 zone. But the application request, case file, and permit indicates it was only for Granton Subdivision, Lot 9. (The address "300 N Vision Lane" is for the building, not the land.)

About a year later, the middle property (Trinity, lots 1 and 2) were rezoned from B-3 to I-2 by Ordinance 9336. This was a rezone, case #Z-18-05.

Alan Lamberg, SENIOR PLANNER  
Planning & Community Development Department  
211 East D Street  
Pueblo, Colorado 81003  
Main (719) 553-2259  
Direct (719) 553-2241 [ALAMBERG@PUEBLO.US](mailto:ALAMBERG@PUEBLO.US)

**TOMS AUTO SALVAGE JUSTIFICATION OF FACTS**

I Austin Steir owner of Toms Auto Salvage am requesting the approval for special use permits for trinity sub division block 1 Lots 1&2. Parcel numbers 433012002 & 433012003 a 200'X200' 40,000 square ft area to operate our facility under the city's guidelines. We rezoned the property's from B-3 to I-2 in 2017 and failed to realize that the special use permit we had received was only for our main lot that holds our office, not the rest of our yard.

Access to our yard is from our main gate, our customer parking is in front of our building that leaves room for fire or ems to get into any point of our yard. No customers are allowed in the actual salvage yard itself, they only come and go from our main office. The entrance into these two parcels is through our main yard. Our rows are 15' apart leaving plenty of room for emergency vehicles. Parcel # 433012002 & 433012003 have no utilities or water they are dirt lots. There is no need for water or power for what we do. Our yard is covered from the public eye by a 7ft wooden fence tall enough that the cars are not visible from the street. The compatibility with the other businesses works well. We have Affordable's right across the street which is another salvage yard, and Rock Worx which is an aggregate supplier. Both businesses we have an outstanding reputation with.

Thank you for your time,  
Austin Steir



**City of Pueblo  
Code Enforcement Unit**

**200 South Main Street, Pueblo, CO 81003**

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Pueblo Police Department / 200 S. Main Street / Pueblo, CO 81003 / Tel 719-553-2592 / [www.Pueblo.us](http://www.Pueblo.us)

**NOTICE OF VIOLATION AND ORDER TO CORRECT**

**11/23/2020**

**STEIR, THERESA  
STEIR, AUSTIN R  
300 VISION LN  
PUEBLO, CO 81001-4213**

**Violation Address: 300 NORTH VISION LANE: PARCEL 0433005011 ALL OF LOT 9 GRANTON SUB**

**Notice of Violation and Order:** Violation of Chapter 7, Health and Sanitation regulations, Pueblo Municipal Code, at **300 NORTH VISION LANE** an I-2 Industrial.

Pueblo Municipal Code, Title I through XVII

NOTICE IS HEREBY GIVEN that the Code Compliance Officer pursuant to the Pueblo Municipal Code has found that the property is not in compliance.

**You are hereby ordered to bring the property into compliance by 12/23/2020**

**9-7-16 Salvage/Storage Premises Enclosed**

Sec. 9-7-16. - Salvage and storage premises to be enclosed.

(a)It shall be unlawful for any person to maintain a salvage yard or salvage shop in the City or any place for the storage of wrecked or unusable automobiles awaiting repairs unless such business or storage is carried on entirely inside a building or unless the premises on which such business or storage is carried on be entirely enclosed by a solid fence at least seven (7) feet in height. Such fence shall be a masonry wall, a wooden fence or an ornamental hedge. Variances may be permitted as prescribed in Section 9-7-18. Such fence shall be maintained in a neat, substantial, safe condition. Gates for access to said premises shall swing inwardly, and such gates shall be kept closed when the premises are not open for business.

(b)Such wall or fence, or the gates thereof, shall not contain any advertising sign or poster other than that needed to identify the enclosed business.

(c)There shall be no stacking of automobiles, salvage or other materials which shall be visible above the surrounding enclosure or gates from ground level.

(d)Salvage operations, including storage, shall not encroach upon or use any area outside the enclosure.

(e)No screening shall be required in the following instances:

(1)The common boundary between adjacent salvage yards;

(2)That portion of the boundary to be enclosed which is contiguous to a view-obscuring topographic feature rendering screening unnecessary;

(3)That portion of the boundary to be enclosed which is contiguous to an industrial use of similar nature to a salvage yard which is enclosed or which is of such view-obscuring arrangement, topographic or otherwise, as to render screening unnecessary.

Any dispute as to the need for enclosure in the foregoing instances shall be appealable to the Zoning Board of Appeals, whose decision shall be final.

#### **9-7-17 Salvage/Storage Premises Passageway**

Sec. 9-7-17. - Salvage storage; passageways.

Salvage in an enclosed yard shall be so piled or placed that adequate passageways are open to permit the unobstructed passage of fire-fighting vehicles. Salvage in an enclosed building shall be so placed that adequate aisles and passageways are open to permit the unobstructed passage of firefighters and hoses.

#### **9-7-18 Salvage Premises Variance**

Sec. 9-7-18. - Salvage premises; variance.

(a)It shall be possible for a person to obtain a variance allowing an alternate method of enclosure in substitution for the wall, fence or hedge, provided that the alternative method of enclosure shall fulfill the intent of Sections 9-7-13 to 9-7-25 to keep out children or other persons attempting to enter salvage yards illegally, to keep such areas free from rats and vermin, and to effectively screen such yards from public view. Variance permits may be issued by the Zoning Board of Appeals after application has been made in compliance with procedures for variance set forth in the Zoning Code. Any permit for such a variance shall be specific as to design, materials, completion date and level of maintenance necessary to achieve the objectives of this provision. No variance shall be issued which will eliminate or in any way diminish the requirements of this Section. The Zoning Board of Appeals shall also have power to decide appeals as to the necessity for enclosure.

(b)As illustration, and not by way of limitation, such variance may permit the planting of trees, shrubs or vines smaller than the height requirement set forth above, provided in the normal course of growth to be expected of the variety of tree, shrub or vine to be planted, and under the conditions of soil, irrigation and reasonable care which may be imposed upon the granting of such variance, the plants will reach the required minimum height within a period of five (5) years from planting. At the end of such five-year period, the variance shall be reviewed and if the hedge does not substantially meet the dimensions specified herein, the variance may be withdrawn or other appropriate measures taken to assure compliance with the intent and purpose of these provisions. Also by way of illustration, variances may include earth berm enclosures, opaque materials securely fastened or entwined in chain link fencing, or such other screening devices as will effectually and substantially carry out the purposes of these provisions.

#### **9-7-19 Salvage Premises Clean**

Sec. 9-7-19. - To be kept clean.

It shall be the duty of the person operating a salvage yard or salvage shop to maintain the premises so used in a clean, sanitary and neat condition and in such a manner as to eliminate and exclude rats and vermin.

**9-7-20 Salvage Premises Inspection**

Sec. 9-7-20. - Inspections.

It shall be the duty of the Director of the Department of Zoning Administration to inspect or cause to be inspected at least twice each year all salvage yards or salvage shops in the City. Such inspections shall be for the purpose of seeing that such premises are operated in conformity herewith and are kept in a clean, neat and sanitary condition.

**9-7-21 Salvage/Storage Premises Enforcement**

Sec. 9-7-21. - Enforcement.

It shall be the duty of the Director of the Department of Zoning Administration to enforce the terms and conditions of Sections 9-7-16 to 9-7-20, inclusive, but nothing contained herein shall be interpreted to preclude any person having probable cause from lodging a complaint with any court having jurisdiction. Should any person contend that he or she is not subject to the provisions of Sections 9-7-14 and 9-7-15 by reason of being engaged in some business other than those regulated by Sections 9-7-13 to 9-7-24 of this Code, it shall be the duty of the License Officer to investigate such business to determine the nature and character of the business conducted. The determination of the License Officer shall be final and a license or licenses shall be required of such person in accordance with such determination.

**{If you have any questions or wish to discuss this Notice and Order, contact [Michael Cira](#) at (719) 553-2592.**

**Michael Cira  
Code Enforcement Unit  
Pueblo Police Department  
200 South Main Street  
Pueblo, CO 81003**