



Zoning Board of Appeals

City of Pueblo
Department of Land
Use/Planning
Department
Administration
Development Process
Guide

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This guide describes the Zoning Board of Appeals Process. Users should use this guide in conjunction with the guides to Appeals, Dimensional Variance, Limited Use Permit, and/or Use By Review as applicable.

Introduction to the Zoning Board of Appeals:

The Zoning Board of Appeals, (ZBA), consists of five members, each of whom serves for a term of four (4) years. The ZBA is directly given appellate jurisdiction by State law. Appellate jurisdiction is the power to hear and decide appeals from decisions of the officials charged with the administration and enforcement of the zoning ordinance. The ZBA also has the power to interpret the zoning ordinance and to grant variances. All meetings of the ZBA require a quorum, which is a majority of the Board of five; all meetings are public meetings, where the public can express their opinion. The Board meets regularly on the fourth Tuesday of each month at 7:00 in City Council chambers at City Hall.

The ZBA has power to authorize upon appeal in specific cases variance from the terms of *Title 17 of the Pueblo Municipal Code* as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Title would result in unnecessary hardship.

The ZBA hears cases regarding four specific categories:

1. Appeals of Administrative decisions.
2. Limited Use Permits.
3. Use By Review, (Special Use Permits).
4. Dimensional Variance.

Administrative Appeals: The Zoning Board of Appeals shall have power to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Administrative Official in the enforcement of the Land Use Code, Title 17 of the Pueblo Municipal Code.

Limited use permits: The Zoning Board of Appeals shall have power to hear and authorize or deny issuance of Limited Use Permits for home occupations.

Uses by review: The Zoning Board of Appeals shall have power to hear and decide only such uses by review as the Zoning Board of Appeals is specifically authorized to pass upon by the terms of Title 17; to decide such questions as are involved in determining whether uses by review should be granted; and to grant uses by review with such conditions and safeguards as are appropriate hereunder, or to deny uses by review when not in harmony with the purpose or intent hereof.

Variances: The ZBA shall have the power to authorize in specific cases such variance from the terms of Title 17 as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this title would result in unnecessary hardship. Variances include but are not limited to:

1. Required setbacks for front, side, and rear yards.
2. Lot dimension.
3. Exceeding square footage for detached accessory structures.
4. Height restrictions

The ZBA may not grant a variance to allow a use not permissible in the zone district involved, or any use expressly or by implication prohibited by the terms of Title 17.

Application Deadline: If you wish your case to be included in a hearing on a specific date, your complete application must be received by the City of Pueblo Department of Land Use Administration at 211 East D Street **no later than twelve noon on the listed application deadline dates.** Incomplete applications may not be processed nor scheduled for public hearing.

Public Hearing, Notification, and Posting: The proceedings of the ZBA are heard in public forum. The location of the hearing is on the second floor of City Hall at 7:00 p.m. The applicant or representative is required to attend the hearing. Failure to attend will postpone the case to the next regularly scheduled hearing. A notice of the ZBA hearing will be mailed to property owners within a one hundred (100) foot radius of the property. Applicants will be required to post a legal notice (poster provided by the Land Use Administration (Planning Department) on their property so that it is visible from the street at a minimum of (10) days prior to the hearing. If this is not posted, the hearing will be postponed for at least one month. The legal notice at your property can be removed thirty days after the hearing. Additional charges may be incurred if additional legal notices are required or if you fail to appear at the scheduled hearing.

Staff Reports: Land Use staff planners review the application to ensure that all necessary information has been gathered. A staff report is prepared for the applicant and ZBA members with a recommendation

of approval, approval with conditions, or denial. The recommendation of staff is not binding on the ZBA, which may approve, disprove, or approve the case with conditions.

Conditions of Approval: In all cases, the ZBA is empowered to prescribe appropriate conditions and safeguards to ensure that the request does not adversely affect the general health, safety, and welfare of the community. Approval will be contingent upon compliance with any conditions. Failure to comply will prohibit the issuance of a building permit, limited use permit, or special use permit or be grounds for revocation.

Application Fees: All ZBA applications requiring a Public Hearing have an application fee and public notice fees (PNF). Fees vary depending on what type of application has been submitted. The current fee schedule is located on the city's website (link below). All fees are payable to the City of Pueblo. The initial application fee is due at the time of the application submittal. Legal notices, poster, postcard, and applicable postage fees (PNF) are calculated after all cases have been submitted and are due when you pick up your poster. The Planner will notify you (approximately 14 days prior to the hearing) that your poster is ready to be picked up and what the remaining fees are. The posting must be displayed on your property a minimum of ten calendar days prior to the hearing.

<https://www.pueblo.us/393/Fee-Schedule>

Application Review Schedule and Timing: ZBA cases generally take four weeks from the formal application date to the time of the hearing.

What to expect at the Hearing: The applicant is expected to be present at the hearing. An agenda is prepared that places your application in a designated order. This agenda will be sent with the staff report you will receive approximately a week before the hearing. Extra agendas will be available at the hearing.

The ZBA board Chair convenes the hearing at 7:00 p.m. in City Council chambers at City Hall. Brief introductions of board members and staff are given, and an explanation of the proceedings follows. The board approves the minutes from the previous hearing. The board then moves into the Agenda.

The Agenda is split into two categories the Consent Agenda and the Regular Agenda. Those items on the Consent Agenda are items that are recommended approval, have no opposition, and do not need any testimony nor discussion. Those items on the Regular Agenda require discussion, clarification, have opposition, or are recommended denial.

Land Use staff provides a brief overview of the application with the recommended action. If the applicant wishes to give additional comments or the board desires to ask the applicant questions, the applicant is then sworn in and writes his/her name and address on a speakers list and then states his/her name and address to the board. After the applicant has given testimony the board then asks if there is anyone in support or opposition to the application. Those persons in support or opposition are then sworn in to give testimony. Following this testimony, the applicant has the opportunity to add comment or rebut any opposition.

After all testimony is given the board will close the hearing and make a motion to vote on the application. The board then is free to discuss the application amongst themselves. A finding of fact is given by the board after discussion and the vote for approval or denial follows.

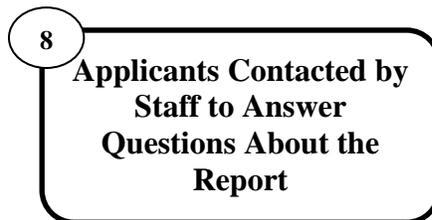
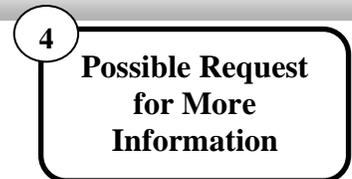
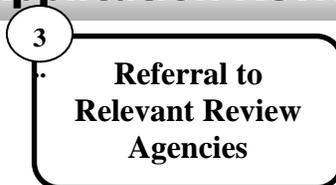
Following the vote, the applicant is granted or denied the request and is free to leave or remain until the meeting is adjourned.

After the application is approved: If you are granted approval of your request you may receive the documentation the following day. Depending on associated conditions and site plan review requirements, signs-offs for business licenses or building permits can be issued on the next available of sign-off day at the Department of Land Use Administration.

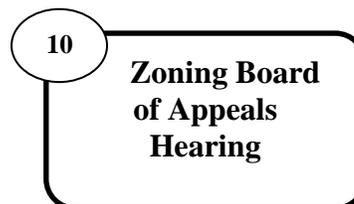
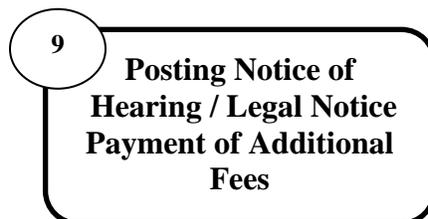
Pre-Submittal



Application Review



Public Hearing



Step One

A pre-submittal meeting with staff is highly recommended. The applicant will have the opportunity to present a proposal and ask questions about the ZBA process.

Step Two

The application must be submitted before the deadline to advance the case for a specific hearing date. Prior to the acceptance of an application, all required documents **must** be submitted with the application along with the associated fee. The Department of Land Use will keep the original application and the applicant will receive a copy with a printed receipt.

Step Three

The application will be referred to any relevant review agencies such as the Department of Transportation, Department of Public Works, Utility Service Providers, etc. for comments regarding the request.

Step Four

The application will be given a case number, (i.e. ZBA-20-01) and be reviewed over a three-week period. During this period the applicant may be contacted with questions or requests for more information regarding the application.

Step Five

If needed, staff will conduct a site visit to assess the conditions at the site. Upon signing the application, the applicant grants permission for access to private property. Most site visits can be conducted from the public right-of-way and do not require that staff enter onto the property, but some cases may require access to private property. In no case will staff require access to the inside of any structure.

Step Six

The staff in the Land Use Department Reviews the Technical issues associated with each case.

Step Seven

A staff report will be produced, and, in most instances, the final report will be sent out to the applicant seven (7) calendar days prior to the hearing date. The staff report will include the information considered by staff in making a recommendation, factual statements regarding the background of the case, staff analysis of the request, and a staff recommendation to the ZBA for approval, approval with conditions, or denial.

Step Eight

After the staff reports have been sent to the applicant, staff will contact the applicant prior to the hearing, or the applicant may contact staff to discuss any questions about the report and recommendation.

Step Nine

All real property owners within one hundred feet of the case are notified of the request. A poster with the notification of the ZBA hearing is prepared by the Planning Department. This poster is to be picked-up and posted no later than ten (10) days prior to the hearing, fifteen (15) days for cases involving appeals. Additional fees that apply to the case are to be paid at this time.

Step Ten

The ZBA hearing takes place on the fourth Tuesday of every month at 7:00 p.m. Located in the City Council chambers at Memorial Hall, #1 City Hall Place. Applicants and/or their representatives are required to attend.

Zoning Board of Appeals Review Schedule

Zoning Board of Appeals Review Schedule		
	Pre-application meeting	
Week 1	<ul style="list-style-type: none"> - Application Deadline - Referral to relevant review agencies - Possible request for more information - Site Visit 	2 working days for staff referral
Week 2	<ul style="list-style-type: none"> - Case review in Land Use Technical Review - Notice of Hearing Poster to be picked up and additional fees paid 	13 working day staff review & staff report preparation
Week 3	<ul style="list-style-type: none"> - Final Review in Land Use Technical Review - Hearing is posted no less than 10 days prior to the Hearing 	
Week 4	<ul style="list-style-type: none"> - Staff report sent to applicant and Zoning Board of Appeals - Applicants contacted to discuss any questions about the report 	7 working day review for applicant and ZBA
ZBA Hearing		