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Sarah French

To: City of Pueblo Zoning Board of Appeals
From: Chelsea Stromberg, Planner
Through: Scott Hobson, Land Use Administrative Official
Date: 1/26/2021
Request: **A Variance to allow two shipping containers in a Central Business (B-4 Zone) District**
Site Location 4025 Lucille St. Pueblo CO 81005
Legal Description IN S2 NE4 4-21-65. CONTG 0.323A BEG PT ON E LINE S2 NE4 SEC 4 SD PT BEING 214.96 FT S + 209 FT W OF NE COR SD SEC TH SLY + // TO E LINE S2 NE4 140.97 FT TH W 100 FT TH NLY 140.97 FT TH ELY 100 FT TO PT BEG. FORMERLY 15-041-27-007
Owner Randal Wills
 4025 Lucille St. Pueblo CO 81005
Zone District Central Business (B-4 Zone) District

BACKGROUND:

The applicant is requesting a variance to allow two shipping containers to remain as placed at the residence at 4025 Lucille St. The property is zoned Central Business (B-4 Zone) District and has a residence, established, constructed in 1957. Section 17-4-23(c)11b states "Temporary shipping containers are permitted in commercial zone districts, for construction storage only when an active building permit exists for the property. The Zoning Board of Appeals may grant a variance to permit permanent shipping containers in commercial zone districts. The Zoning Board of Appeals shall have the authority to add reasonable conditions of approval related to mitigating the negative impact of the container. These conditions may include but are not limited to painting the container to match the principal structure, prohibit the use of signage on the container, fully screen the container by an opaque fence, clad the container to be architecturally compatible with the principal structure, require the container to be placed so it is not visible from a public or private right-of-way, and/or residential properties." The two shipping containers are currently placed in the northwest corner of the property, approximately three and one half (3.5) feet from western property boundary (adjacent to residences) and four (4) feet from the north property boundary. The containers are red, enclosed by a six (6') foot privacy fence, the containers extend above the fence approximately two to three feet. The applicant is concurrently applying for a Limited Use Permit to allow an outdoor storage facility in order to allow the outdoor storage of personal building materials to remain on the property.

ZONING DISTRICT AND LAND USE:

	Zone:	Developed with:
North	B-4 Central Business District	Outdoor Recreation Facility
East	B-4 Central Business District	Gas Station
South	B-4 Central Business District	Car Wash
West	R-2 One and Two-Family Residential	Single Family Detached Residential

PUBLIC NOTICE

The property was publicly noticed in accordance with the Pueblo Municipal Code. Specifically, the hearing was published in the Pueblo Chieftain, surrounding property owners within 100 feet of the property were noticed by mailed, and a sign was placed on the site (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

FINDINGS OF FACT FOR VARIANCE REQUIREMENTS

- 1 The variance will not: reduce the required light and air to adjacent properties; constitute a nuisance to the properties within one hundred (100) feet of the property for which the variance is requested; or substantially reduce the monetary value of properties within one hundred (100) feet of the property for which the variance is requested.

comments:

Negative finding. The containers do not comply with the five (5) foot minimum setback and extend above the six foot privacy fence adjacent to two single family residences.

- 2 The variance will not affect general planning of the City with respect to land use and the location of streets and highways will not be jeopardized.

comments:

Affirmative finding. The shipping containers are not adjacent to any rights of way.

3 Strict adherence to this Title would not secure appropriate development of the property for which the variance is requested.

comments:

Neutral finding. The property is zoned B-4 so the applicant could complete a commercial site plan review in order to build additional storage if the variance is not granted. However, this could cause undo financial hardship.

4 The property for which the variance is requested suffers a unique or singular disadvantage, not common to other property in the district, through the operation of this Title.

comments:

Neutral finding. While the property is unique in that it has a legal non-conforming residence in a B-4 zone, this characteristic is beneficial to the owner, as the shipping containers would not be eligible for a variance if the property was zoned residential.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

Should the Zoning Board of Appeals find it appropriate to grant this variance, staff recommends the following conditions.

STAFF CONDITIONS

- 1 The shipping containers shall be painted to be compatible with the principal structure
- 2 The shipping containers shall be moved to the north eastern portion of the property, adjacent to other commercially zoned properties.

STANDARD PERMIT CONDITIONS

Date of issuance of permit: 1/26/2021

- 1 **Time Limits:** Zoning permit shall become invalid unless work or action authorized by permit is fully executed by:
1/26/2022
- 2 **Required Revisions:** 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 **Changes:** 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 **Property Inspection:** 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 **Certificate of Occupancy:** A certificate of occupancy must be issued by Regional Building PRIOR 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 **Completion and Maintenance of Improvements and Landscaping:** 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 **Building Permit; Other Permits:** Permit holder is solely responsible for obtaining BUILDING PERMIT and all other applicable local, state and federal permits.
- 8 **Off-Site Drainage:** 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 **Appeals** 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 SOLELY at the risk of the Permit holder.
- 10 **Errors:** 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 **Transfer of Ownership:** 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 **Violations/Penalties:** 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 **Incorporation and Reference of All Plans Presented to the Zoning Board of Appeals:** 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. Location Map
- B. Site Map
- C. Zoning Map
- D. Public Notice Photo
- E. Site Photographs
- F. Application
- G. Supporting documentation

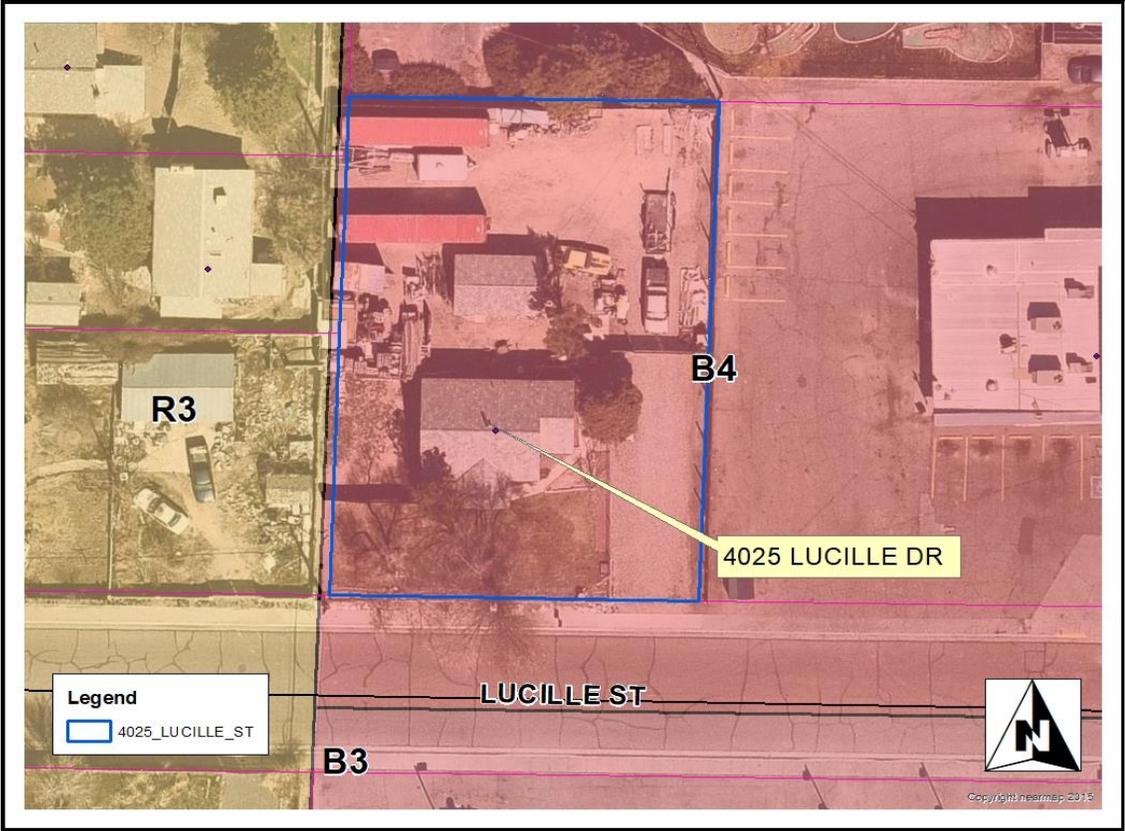
A. LOCATION MAP



B. SITE MAP



C. ZONING MAP

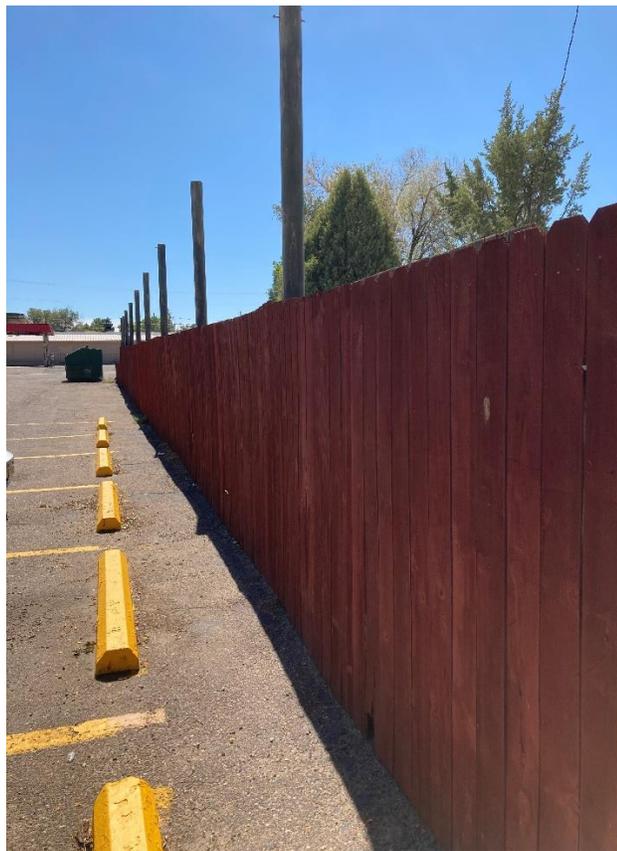


D. PUBLIC NOTICE PHOTO



E. SITE PHOTOGRAPHS













Zoning Board of Appeals Application

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

Contact Info	Property Owner:		Applicant (if different from property owner):	
	Name: <u>RANDAL L. WILLS</u>		Name:	
	Address: <u>4025 LUCILLE STREET</u>		Company:	
	City, State & Zip: <u>PUEBLO, CO. 81005</u>		Address:	
	Phone: <u>(719) 821-3889</u>		City, State & Zip:	
	Email:		Phone: ()	Cell: ()
		Email:		
<i>The applicant will be the primary contact unless otherwise noted.</i>				
Property Info	Project Location: <u>4025 LUCILLE ST.</u>			
	Legal Description:			
	Parcel No: <u>1504100015</u>		Existing Zone: <u>B-4</u>	
	Property Size: <u>.32 ACRES. (Sq. Ft. 13939)</u>			
Project Information	General Information			
	Provide a short description of the proposed request: (separate narrative as Attachment A also required)			
	<u>TO PERMIT SHIPPING CONTAINERS ON MY PROPERTY</u>			
	What is the general use of the property: <input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Multi-Family <input checked="" type="checkbox"/> Other <u>STORAGE</u>			
	Scope of work: <input type="checkbox"/> Special Use Permit (Limited Use Permit): <input type="radio"/> Use by Review <input type="radio"/> Home Daycare <input type="radio"/> Home Occupation (Total # of children: _____) <input type="radio"/> Other: _____ <input checked="" 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: _____			

(Continue Next Page)

(Continued from Page 1)

Review

Attachment Checklist:	
Attachments	The following list of attachments are required to accompany all applications:
	<input checked="" type="checkbox"/> A. Detailed explanation of the request as listed above. Be specific.
	<input checked="" 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 checked="" type="checkbox"/> H. Pueblo County Assessor's Property Information print out (www.co.pueblo.co.us)	
Terms	
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.	
Signatures	
Property Owner	
Print Name:	RANDAL L. WILLS
Signature:	<i>Randal L. Wills</i> Date: 08-07-20
Applicant, if different from Property Owner	
Print Name:	
Signature:	Date:

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

JUSTIFICATION OF FACTS – 4025 LUCILLE STREET, PUEBLO, CO 8105

- a. The placement of the pods in no way reduces the light or the air to adjacent properties. The placement of the pods does not constitute a nuisance to the properties in the area, nor do they reduce the monetary value of any of the properties within 100 feet of the property.
- b. The pods in no way jeopardize the use and/or location of the streets in the surrounding area.
- c. There would be no hardship imposed by the City of Pueblo as far as securing appropriate development of the property for the variance requested.
- d. This property does not suffer any uncommon or unique disadvantages compared to other properties in the area.

CONDITIONS AND COMMENTS TO BE CONSIDERED IN APPLYING FOR VARIANCE AT THIS LOCATION:

CONDITIONS:

It is the property owner's intent to paint both pods to blend in with the surrounding area as discussed with inspector, Richard Unrein.

COMMENTS:

It is noted that there are several properties in the general vicinity and throughout the City of Pueblo that do show a prevailing pattern of having accessory metal storage containers on residential properties. It was brought to my attention that there have been no complaints filed with the City of Pueblo on those properties, so similar action has not been taken at such properties.

COMMENTS (CON'T.)

The property at 4025 Lucille Street, has well-maintained landscaping which includes lawn upkeep and weed maintenance in comparison to other properties in the area. Both storage pods are situated at the back of the property and are surrounded by a 6' privacy fence with a secured, locking gate. They are scarcely visible from outside view.

The storage units were purchased and placed at the rear of the property to abate theft and general property damage at the location. They provide secure and controlled storage for property at the location. Several different incidents of theft and intrusion prompted the plan to use this storage method along with a severe presence of drug use and homelessness in the area. When police were unable to do anything about either, we thought this was our only real alternative.

Consideration of this variance request will be greatly appreciated, and there has never been any intent to be un-compliant by city code whatsoever.

Pueblo County Assessor Parcel 1504100015

Name: WILLIS RANDAL L + SHERILYN
Location Address: 4025 LUCILLE ST, 81005
Mailing Address: 436 MCCLELLAND AVE, PUEBLO, CO 81005 1317
Assessor Nbhd: 118 (GOODNIGHT SCH, CHERRY LN) **Tax District:** 60B

Legal Description: IN S2 NE4 4-21-65. CONTG 0.323A BEG PT ON E
 LINE S2 NE4 SEC 4 SD PT BEING 214.96 FT S + 209
 FT W OF NE COR SD SEC TH SLY + // TO E LINE S2
 NE4 140.97 FT TH W 100 FT TH NLY 140.97 FT TH ELY
 100 FT TO PT BEG. FORMERLY 15-041-27-007

Land Information:	.32 Acres	Abstract Class SING FAM RES LAND (B-4)	Actual Value 4000	Assessed 286
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Improvements:	SINGLE FAMILY RES	73179	5232
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Total Value, Land and Imps:	77179	5518
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Residential Structure #1	Year Built: 1957	Year remodeled: 0
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Well Above Average Quality
 Effective Year Built: 1957



Rooms:	4	Bedrooms:	2
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Bathrooms:	1
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First Floor:	780	Above First Floor:	780
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Half Story Area:	780	Total Basement Area:	780
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Finished Basement:	0
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Total Garage Area:	330	Total Carport Area:	0
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Total Porch:	420	Roof Type:	Gable Roof
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Composition:	Asphalt Sgls
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HVAC:	
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Fireplace:	NO	Landscaping:	YES
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Misc:	
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Current Tax Information for tax year 2019

Mill Levy: 0	Property Type: PCD FEE	Total Tax Amount: \$	\$10.28
Mill Levy: 99.101	Property Type: REAL	Total Tax Amount: \$	\$546.84

Current Transfer Information

Sale Date	Sale Amount	Grantor	Grantee	Other Details
08/16/90 928943	31500	SAME (KENT JESSE)	WILLIS RANDAL L + SHE	Rcpt# 928943 Bk/Pg 0/0 HISTORY UPDATE
03/28/89 885682	N/A	KENT/STEPHENS/TWEEDY/	SAME (KENT JESSE)	Rcpt# 885682 Bk/Pg 0/0
02/26/88 856340	N/A	KENT J	KENT/STEPHENS/TWEEDY/	Rcpt# 856340 Bk/Pg 0/0
01/27/88 854306	10500	SUTCLIFFE EVELYN L	KENT JESSE	Rcpt# 854306 Bk/Pg 0/0
N/A 203809	N/A	SUTCLIFFE EVELYN L	SUTCLIFFE EVELYN L	Rcpt# 203809 Bk/Pg 0/0

Chelsea Stromberg Attachment G

From: Todd Berisford
Sent: Friday, October 30, 2020 11:08 AM
To: Chelsea Stromberg
Subject: RE: ADA Grievance - 4025 Lucille St.

Hi Chelsea,

I did make a sidewalk report on this address. The issue is the sidewalk has a greater than 2% cross slope. It is actually over 9%. This is a common theme in this area of town because there isn't much right of way for a walk around. It could be solved with the proper drive cut in the curb and gutter and then adding the sidewalk but that would alter the driveway behind the walk at significant cost as well as right of way issues. We also could get an easement from the property owners in this area and do the walk behind sidewalk. I also believe this was a CDBG project that was completed in 1999 and was before the DOJ ruling in 2004.

Todd Berisford
Associate Field Engineer
tberisford@pueblo.us
City of Pueblo
Office-719-553-2289
Cell – 719-320-6492



From: Chelsea Stromberg <CStromberg@pueblo.us>
Sent: Friday, October 30, 2020 10:44 AM
To: Todd Berisford <tberisford@pueblo.us>
Cc: Betty Aragon <baragon@pueblo.us>
Subject: FW: ADA Grievance - 4025 Lucille St.

Hi Todd,

I'm working on a case for 4025 Lucille and I believe you inspected the site for ADA compliance recently. Could you please tell me specifically what was out of compliance so I can include that information in the staff report/conditions of approval?

Thank you!

Chelsea Stromberg
Planner
City of Pueblo
Planning & Community Development Department