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## ZBA-21-03

**To:** City of Pueblo Zoning Board of Appeals  
**From:** Bart Mikitowicz, Planner  
**Through:** Scott Hobson, Land Use Administrative Official  
**Date:** 4/27/2021  
**Request:** **A Special Use Permit to allow for a Duplex in a Single Family Residential (R-2) Zone District.**  
**Site Location:** 1944 Beulah Ave, Pueblo, CO 81004  
**Legal Description:** LOTS 22 TO 24 INC BLK 3 CLIFTON  
**Year Built:** 1953  
**Applicant:** Candace Avis  
**Property Owner:** Carol Smith  
**Zone District:** Single Family Residential (R-2) Zone District.

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### BACKGROUND

The subject single-family residence is 1,710 sqft and was built in 1953. The home is located in the Mountain View Cemetery Neighborhood, north of Lake Minnequa. In accordance with Section 17-4-51 (3)(c) (3.1) of the Pueblo Municipal Code (PMC), The applicant, Candace Avis, is required to obtain a Special Use Permit to allow for a Duplex in a Single Family Residential (R-2) Zone District.

The existing house meets all required yard setbacks, and the plan to convert the single-family residence into a duplex provides up to two spaces of off-street parking for the new unit in addition to several off-street parking spaces for the main unit. The home will be divided into two -family dwelling units each with its own entry and off-street parking areas. The residence has already been assigned two addresses: Main front residence is 1921 Lakeview, and the side/back residence is 1944 Beulah.

**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	Government Use (S-1) Zone District	Minnequa Lake Park
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**

Pueblo City/County Health	No comment
City Transportation	No comment
Pueblo Regional Building Department	No comment
Fire Department	No comment
City Public Works Department	No comment
City Stormwater Department	No comment
City Code Enforcement	No comment
Pueblo Board of Water Works	No comment
City Wastewater Department	No comment
City Parks and Recreation Department	No comment

**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 accessible via Lakeview and Buelah Ave.

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. There is sufficient (one-per-unit) off-street parking. Noise and glare will not require buffering.

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

**Comments:** Affirmative finding. Refuse collection is indicated in the northeast corner of the property.

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. The surrounding properties are residential, no additional buffering is required.

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. There is no proposed signage for this project.

7. Required yards and other open space.

**Comments:** Affirmative finding. Yards and open space are adequate.

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

**Comments:** Affirmative finding. The proposed residential duplex is compatible with the surrounding residential uses.

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

The use is compatible with the neighborhood. Staff recommends APPROVAL with Standard Permit Conditions 1 through 13.

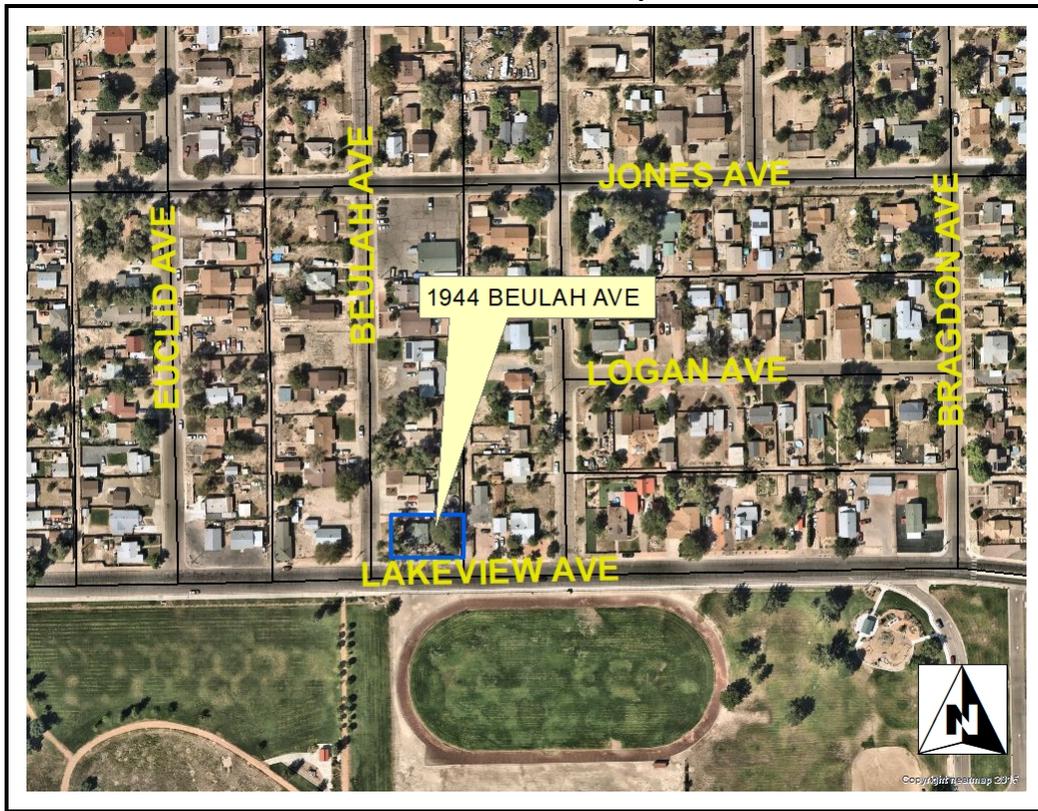
#### **ATTACHMENTS**

- 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

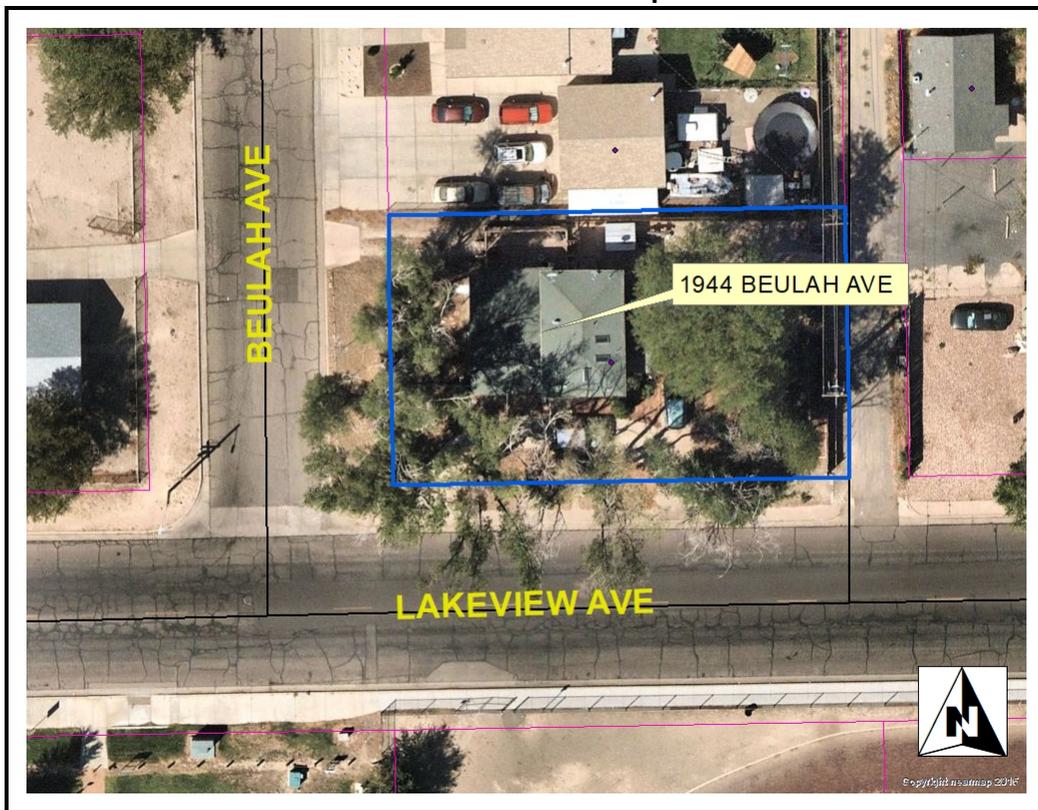
**Exhibit A. Standard Permit Conditions**

<b>Standard Permit Conditions</b> Date of Issuance of Permit: <b>4/27/2021</b>	
1.	<b>Time Limits</b> Zoning permit shall become invalid unless work or action authorized by permit is fully executed by <b>4/27/2022</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.

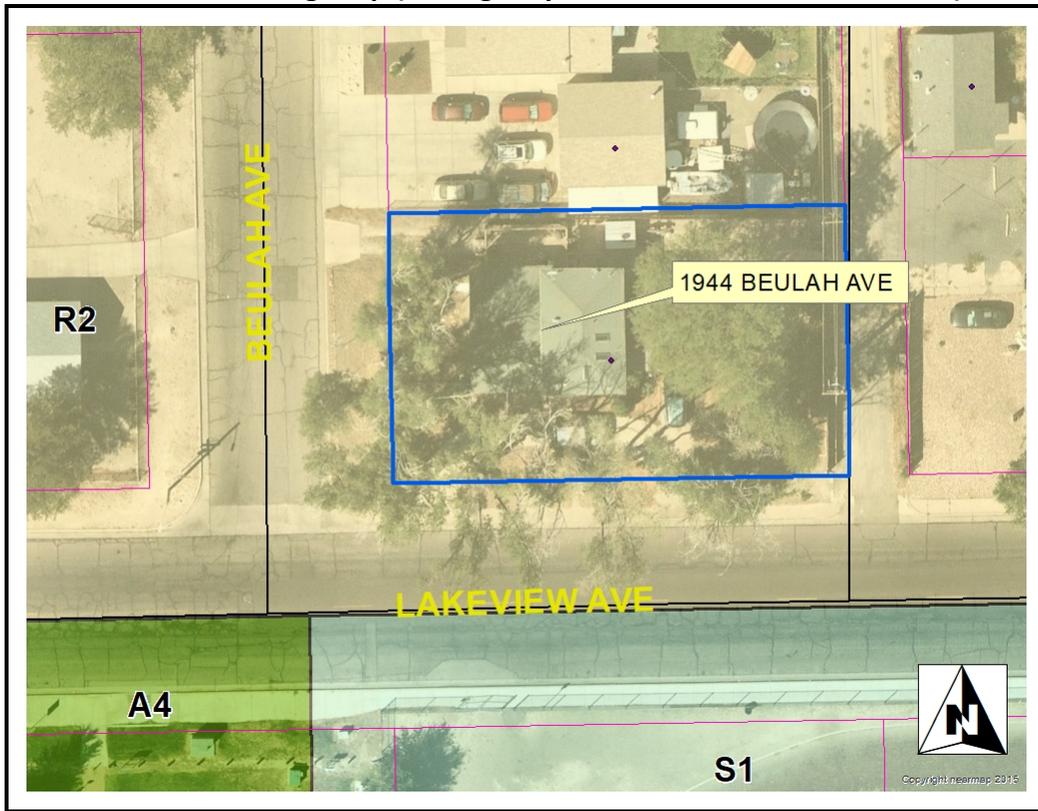
**Exhibit B. Site Map**



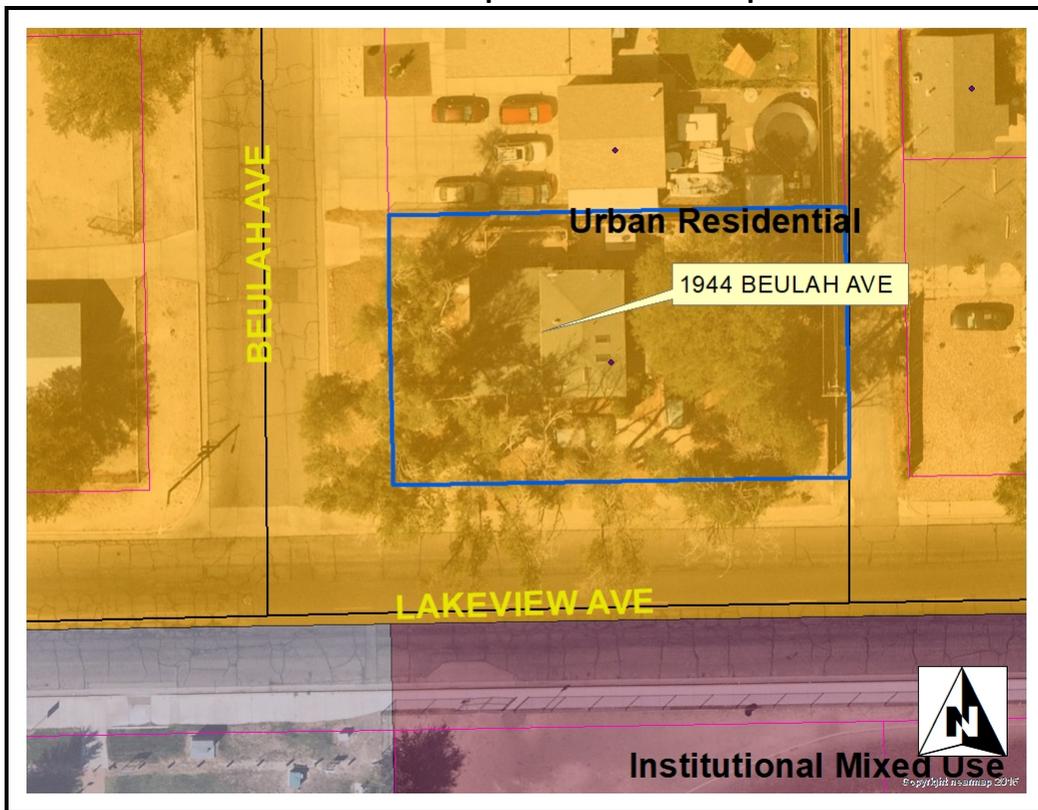
**Exhibit C. Aerial Map**



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



**Exhibit E. Comprehensive Plan Map**



**Exhibit F. Public Notice**



Taken for Beulah Ave facing Southeast.

**Exhibit G. Site Photos**



Taken for Beulah Ave facing Southeast.



Taken for Lakeview Ave facing Northwest.



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 #:

<b>Contact Info</b>	<b>Property Owner:</b>		<b>Applicant (If different from property owner):</b>	
	Name: Carol Smith		Name: Candace Avis	
	Address: 1921 Lakeview aka 1944 Beulah		Company:	
	City, State & Zip: Pueblo CO 81004		Address: 12255 Up River Rd	
	Phone: 719 651 2952		City, State & Zip: Elbert CO 80106	
<b>Property Info</b>	Email: fourseeproperties@gmail.com		Phone: (719 651)-2952 Cell: (719 380)-9513	
	Email: fourseeproperties@gmail.com			
<i>The applicant will be the primary contact unless otherwise noted.</i>				
<b>Project Location</b>	<b>Project Location:</b>			
	Legal Description: Lots 22 To 24 INC BLK 3 CLIFTON			
	Parcel No: 1511408007		Existing Zone: R-2	
Property Size: .2 acres - area frontage 8556 depth 124				
<b>Project Information</b>	<b>General Information</b>			
	Provide a short description of the proposed request:			
	Single family residence change to duplex			
	What is the general use of the property: <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial			
	<input checked="" 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

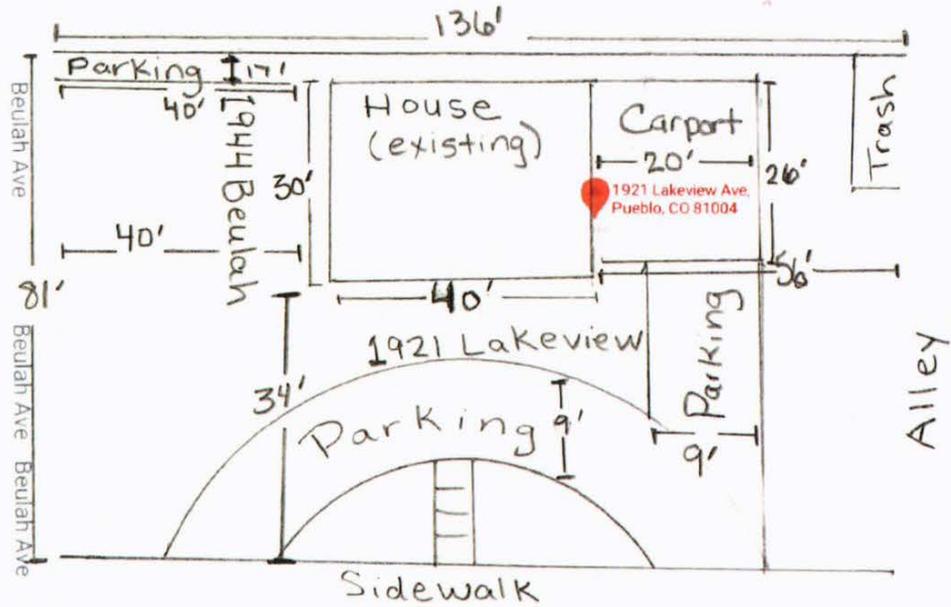
(Continue Next Page)(Continued from Page 1)

<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 checked="" type="checkbox"/> A. Detailed explanation of the request as listed above. Be specific.</li> <li><input checked="" 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 checked="" type="checkbox"/> E. Photographs.</li> <li><input checked="" 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:	Carol Smith
	Signature:	Carol Smith
	Date:	2/23/2021
<b>Signatures</b>	Applicant, if different from Property Owner	
	Print Name:	Candace Avis
	Signature:	Candace Avis
	Date:	2/23/2021

<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

1921 Lakeview Ave  
1944 Beulah  
Pueblo CO  
81004



Attachment A – Detailed Explanation of the request as listed above:

Applicant is seeking a Special Use Permit to allow a duplex (residential, two-family) in an R-2 (single-family) zone district. Duplexes are considered a “us by review” in the R-2 district. The site currently has a single-family residence built in 1953. The applicant proposes a second dwelling unit in the lower level with ground-floor rear access while preserving the look of a single-family residence as seen from the street. According to Pueblo Municipal Code 17-2-2 Use definition, “Residence, two-family” is defined as “a residential building designed as a single structure, containing two (2) dwelling units and designed for occupancy by not more than two (2) families.”

Attachment B – Justification of facts required for the request:

The existing house meets all yard setbacks, and the plan provides up to two spaces of off-street parking for the second unit in addition to several off-street parking for the main unit.

The units are separate residential two-family living areas each with its own entry and off-street parking areas.

The residence is assigned 2 addresses: Main front residence is 1921 Lakeview, and the side/back residence is 1944 Beulah.

**Pueblo County Assessor Parcel 1511408007**

**Name:** SMITH CAROL L  
**Location Address:** 1921 LAKEVIEW AVE, PUEBLO, CO 81004 2722  
**Mailing Address:** 12255 UP RIVER RD , ELBERT, CO 80106 8828  
**Assessor Nbrhd:** 133 (MTN VIEW CEMETERY) **Tax District:** 60B

**Legal Description:** LOTS 22 TO 24 INC BLK 3 CLIFTON

<b>Land Information:</b>	8556.00 SqFt	<b>Abstract Class</b>	SING FAM RES LAND (R-2)	<b>Actual Value</b>	<b>Assessed</b>
				8970	640

**Improvements:** N/A 0      0

**Total Value, Land and Imps:** 8970 640

Current Tax Information for tax year 2020

<b>Mill Levy:</b> 0	<b>Property Type:</b> PCD FEE	<b>Total Tax Amount:</b> \$		
<b>Mill Levy:</b> 99.08	<b>Property Type:</b> REAL	<b>Total Tax Amount:</b> \$		\$17.32 \$920.46

Current Transfer Information

<u>Sale Date</u>	<u>Sale Amount</u>	<u>Grantor</u>	<u>Grantee</u>	<u>Other Details</u>
02/10/20 2169729	N/A	AVIS CANDACE M	SMITH CAROL L	Rcpt# 2169729 Bk/Pg 0/0 HISTORY UPDATE
06/11/18 2109342	N/A	SMITH CAROL L	AVIS CANDACE M	Rcpt# 2109342 Bk/Pg 0/0
08/27/07 1739942	N/A	MCKEOWN CAROL L	SMITH CAROL L	Rcpt# 1739942 Bk/Pg 0/0
06/11/07 1731534	N/A	MC KEOWN CHARLES H + MCKEOWN	CAROL L	Rcpt# 1731534 Bk/Pg 0/0
07/11/86 806412	N/A	SAME	MC KEOWN CHARLES H +	Rcpt# 806412 Bk/Pg 0/0
10/02/85 783145	N/A	MC KEOWN CHARLES	SAME	Rcpt# 783145 Bk/Pg 0/0
08/21/85 751912	N/A	SAME	STRAVIA VERA/MC KEOW	Rcpt# 751912 Bk/Pg 0/0
08/21/84 752912	N/A	STRAVIA VERA/MC KEOW	MC KEOWN CHARLES	Rcpt# 752912 Bk/Pg 0/0
08/21/84 752911	N/A	MC KEOWN CHARLES H	STRAVIA VERA/MC KEOW	Rcpt# 752911 Bk/Pg 0/0
05/24/79 608226	N/A	MCKEOWN CHARLES	MC KEOWN CHARLES H	Rcpt# 608226 Bk/Pg 0/0
05/29/73 449900	N/A	MCKEOWN CHARLES	MCKEOWN CHARLES	Rcpt# 449900 Bk/Pg 0/0
N/A 117831	N/A	MCKEOWN CHARLES + RU		Rcpt# 117831 Bk/Pg 0/0
N/A 16378	N/A	MCKEOWN CHARLES + RU	MCKEOWN CHARLES + RU	Rcpt# 16378 Bk/Pg 0/0