

Mike Castellucci  
Chair

Steve Anselmo  
Vice Chair



Lisa Bailey  
Secretary

Yvonne Lujan-Slak

Georgia Way

## ZBA-21-38

Hearing Date: January 25, 2022

**TO:** City of Pueblo Zoning Board of Appeals  
**FROM:** Danielle Baxter, Planner  
**THROUGH:** Scott Hobson, Land Use Administrative Official  
**LOCATION:** 2519 Carthage Ave, Pueblo, CO 81003  
**APPLICANT:** Steel City Solar  
**PROPERTY OWNER:** Angela Durante  
**YEAR BUILT:** 1939  
**LEGAL DESCRIPTION:** LOTS 23-24-25-26-27 BLK 16 IRVING PARK  
**ZONE DISTRICT:** Single Family Residential (R-2) Zone District  
**PARCEL ID:** 523309004  
**LOT SIZE:** 15,625 sqft

<b>REQUEST:</b>	Special Use Permit to allow a detached solar array in a Single Family Residential (R-2) Zone District.
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### SYNOPSIS OF REQUEST

The applicant is requesting a special use permit to allow a detached solar array in a Single Family Residential (R-2) Zone District, which is a conditional use within that district. Sect 17-4-51(e)(50) of the current City of Pueblo Municipal Code states that a detached solar array is permitted as long as there are no other detached accessory structures on the property. There is an existing 630 square foot detached garage on the property. Since there is another detached accessory structure, the applicant must request a special use permit, because they cannot meet the requirements of the conditional use permit (Section 17-4-51(b)(2)(f)(3) of the Pueblo Municipal Code).

### ANALYSIS OF REQUEST

2519 Carthage Ave is a 15,625 square foot lot with an 889 square foot home originally built in 1939. The home is located in the Irving Park Subdivision, northwest of the Colorado Mental Health Institute. The applicant is proposing to install a detached solar array on the northeast corner of their lot. The solar panel measures 21 feet long, by 12 feet wide, and 6 feet tall. In an R-2 zone district the front yard setback is twenty-five (25) feet and side yard setback is five (5) feet. The applicant is proposing installation twenty-six (26) feet from the front property line and ten (10) feet from the north side property line, which does not encroach on any required setbacks.

Another condition of the detached solar array is that it must comply with the accessory structure ordinance outlined in Sec 17-4-23(c)(5), which states that all detached accessory structures 200 square feet or larger must be architecturally compatible to the primary structure. However, architectural compatibility with a solar array is not obtainable.

### ZONING DISTRICT AND LAND USE

Zone:	Developed with:	
North	Single-family Residential (R-2) Zone District	Single-family Residential
East	Single-family Residential (R-2) Zone District	Carthage Ave; Single-family Residential
South	Single-family Residential (R-2) Zone District	Single-family Residential
West	Single-family Residential (R-2) Zone District	Alley; Single-family Residential

**COMPREHENSIVE PLAN**

The comprehensive plan depicts Urban Residential for this parcel. Urban Residential neighborhoods are found predominantly within the city limits of Pueblo and the urbanizing areas in the City’s immediate periphery. They are generally located on a grid roadway network that interconnects a large portion of the urban area. The existing mixture of housing types that range from single family detached housing to duplexes and multi-family housing will be continued with emphasis on maintaining the existing housing stock and in-fill development. Where appropriate, community scale commercial services will be created to provide the necessary day-to-day needs of residents within walking distance. Development in these Urban Neighborhoods is typically at densities of 4 to 7 units per acre and often reflects the traditional urban residential layout used in the early development of Pueblo. As the City of Pueblo expands to the north, south and southwest, a continuation of these Urban Residential Areas should be continued. Interconnected neighborhoods, sanitary sewer and neighborhood parks should be an integral part of the development.

**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 SPECIAL USE PERMIT**

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

**Comments: Affirmative finding. The site plan indicates access off Carthage 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. Off-street parking is available on the property.**

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

**Comments: Affirmative finding. The applicant will use residential garbage totes for refuse.**

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

**Comments: Affirmative finding. Sewer, electrical, and water service are available to the property.**

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

**Comments: Affirmative finding. There is a seven (7) foot tall chain link fence along Carthage Ave. There is also a six (6) foot tall wood panel fence along the north, south, and west property lines.**

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, R-2 Zone District Sign Regulations.**

7. Required yards and other open space.

**Comments: Affirmative finding. Yards and open space are adequate for the use of a detached solar array.**

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

**Comments: Affirmative finding. The proposed detached solar panels are more industrial in nature, however due to the space available on the property and the need for alternative power sources the Planning Department supports the proposed Special Use Permit request.**

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

If the Board chooses to approve this Special Use Permit staff recommends Standard Permit Conditions 1 through 13.

#### **ATTACHMENTS**

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

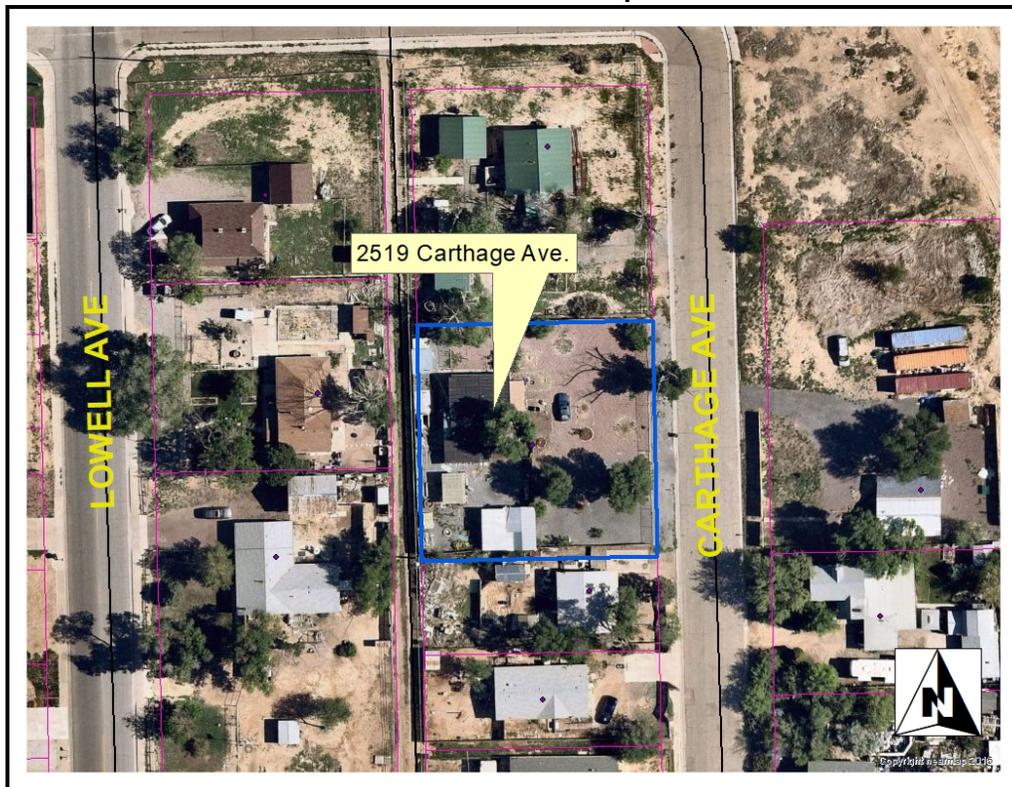
**Exhibit A. Standard Permit Conditions**

<b>Standard Permit Conditions</b> Date of Issuance of Permit: <b>1/25/2022</b>	
1.	<b>Time Limits</b> Zoning permit shall become invalid unless work or action authorized by permit is fully executed by <b>01/25/2023</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.

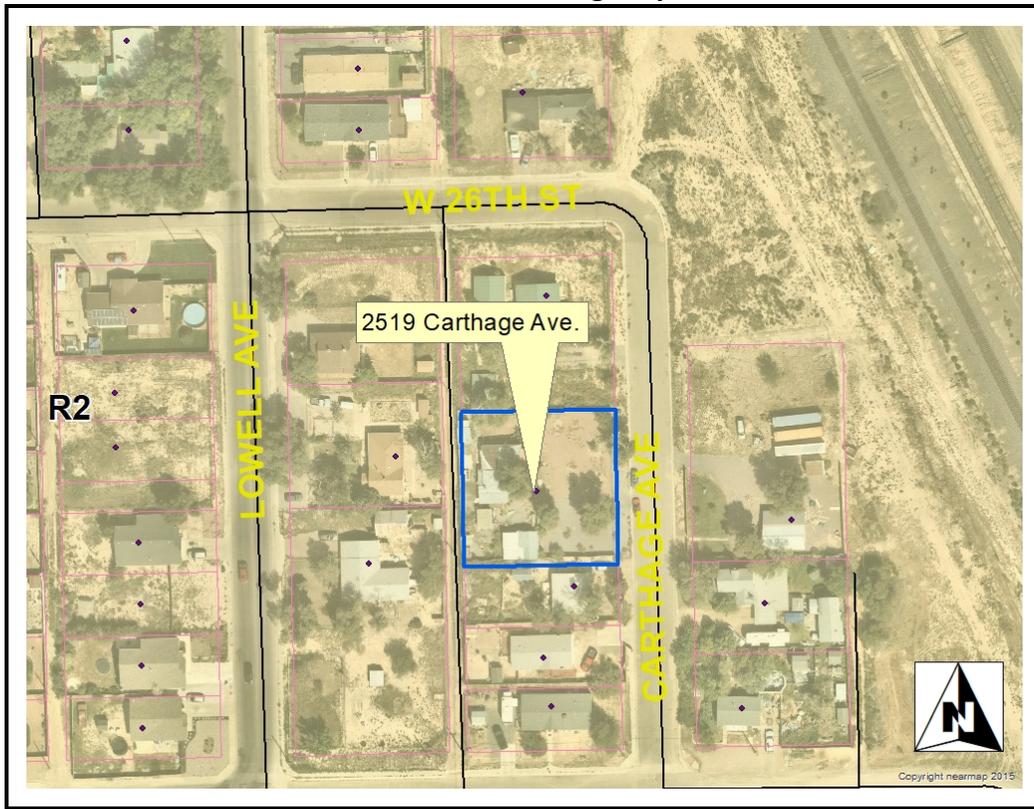
**Exhibit B. Location Map**



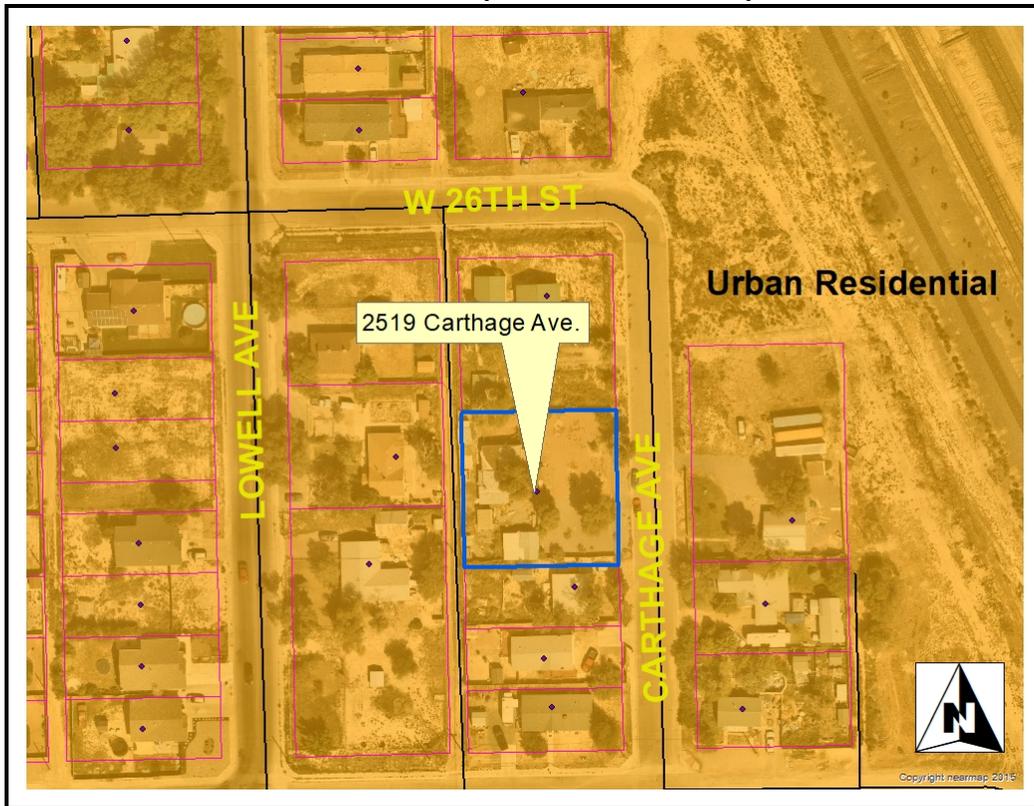
**Exhibit C. Site Map**



**Exhibit D. Zoning Map**



**Exhibit E. Comprehensive Plan Map**



**Exhibit F. Public Notice**



Taken from Carthage.

**Exhibit G. Site Pictures**



Taken from Carthage facing west.



Taken from Carthage facing northwest.



Taken from Carthage facing south.



Taken from Carthage facing east.



Taken from Carthage facing north.

**Exhibit H. Application Completed in OpenGov**

12/23/21, 1:40 PM

OpenGov



City of Pueblo PLACE

12/23/2021

**21-80**

Zoning Board of Appeals - Special Use Permit & Variances

**Status:** Active

**Date Created:** Dec 23, 2021

**Applicant**

Jerika Shrontz  
admin@steelcitysolar.us  
621 E Enterprise Drive  
Pueblo West, CO 81007  
719-251-8608

**Location**

2519 CARTHAGE AVE  
PUEBLO, CO 81003

**Owner:**

DURANTE ANGELA  
2519 CARTHAGE AVE PUEBLO , CO 81003-1046

**Internal**

**ZBA Case Number**

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**Planner Assigned**

--

**ZBA**

**Hearing Date**

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**Hearing Results**

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**Board Conditions**

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**Appeal Term End Date**

--

**Permit Completion Date**

--

**Specially Requested Hearing**

**Public Notice**

**Number of Posters**

--

**Number of Postcards Sent**

--

**Cost of Newspaper Notice**

--

**Public Notice Costs**

0

**Other Fees:**

--

**Public Notice costs must be paid by:**

--

**Public notice zoning poster must be displayed BY:**

--

**Public Notice zoning poster must be displayed UNTIL:**

--

**Scope of Work**

**Type of Request**

Use by Review (Special/ Limited Use Permit)

**Type of Use by Review**

Special Use Permit

**Provide a short description of the proposed request:**

Ground mount solar. A detached structure already exists on the property, therefore I was directed to apply for a special use permit for the ground mounted solar.

**What is the general use of the property**

Residential

**Detailed explanation of the request as listed above.**

A detached structure already exists on the property, therefore I was directed to apply for a special use permit for the ground mounted solar.

**Justification of facts required for the request. Be specific.**

**A solar array is a conditional use in the R-2 zone district. Sect 17-4-51(e)(50) of the conditional use requirements states one detached solar array is allowed as long as there are no other detached accessory structures on the property. There is another detached accessory structure located on the south side of the property. For this reason we do not meet the conditional use permit requirements and will need to request a special use permit to the Zoning Board of Appeals.**

Please see the attached document for assistance with Justification of Facts:

Please see the attached document for assistance with Justification of Facts:

[ZBA Use by Review Assistance \(https://viewpointcloud.blob.core.windows.net/profile-pictures/ZBA\\_Use\\_by\\_Review\\_HANDOUT\\_06-2020\\_Thu\\_Jul\\_22\\_2021\\_15:43:00\\_GMT+0000\\_\(Greenwich\\_Mean\\_Ti...pdf\)](https://viewpointcloud.blob.core.windows.net/profile-pictures/ZBA_Use_by_Review_HANDOUT_06-2020_Thu_Jul_22_2021_15:43:00_GMT+0000_(Greenwich_Mean_Ti...pdf))

[ZBA Non-Residential Variance Assistance \(https://viewpointcloud.blob.core.windows.net/profile-pictures/ZBA\\_Non-Residential\\_Variance\\_HANDOUT\\_06-2020\\_Thu\\_Jul\\_22\\_2021\\_15:42:48\\_GMT+0000\\_\(Greenwich\\_Mean\\_T...pdf\)](https://viewpointcloud.blob.core.windows.net/profile-pictures/ZBA_Non-Residential_Variance_HANDOUT_06-2020_Thu_Jul_22_2021_15:42:48_GMT+0000_(Greenwich_Mean_T...pdf))

[ZBA Residential Variance Assistance \(https://viewpointcloud.blob.core.windows.net/profile-pictures/ZBA\\_Residential\\_Variance\\_HANDOUT\\_06-2020\\_Thu\\_Jul\\_22\\_2021\\_15:42:55\\_GMT+0000\\_\(Greenwich\\_Mean\\_T...pdf\)](https://viewpointcloud.blob.core.windows.net/profile-pictures/ZBA_Residential_Variance_HANDOUT_06-2020_Thu_Jul_22_2021_15:42:55_GMT+0000_(Greenwich_Mean_T...pdf))

**Are there any concurrent zoning requests?**

No

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**Use by Review Justification of Facts**

**Describe the 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.**

N/A

**Describe off-street parking and loading areas where required, with particular attention to the items in Subparagraph a above and the economic noise, glare or odor effects of the use by review on adjoining properties and properties generally in the district.**

N/A

**Describe refuse and service areas, with particular reference to the items in the two questions above.**

N/A

**Describe utilities, with reference to the location's availability and compatibility.**

N/A

**Describe screening and buffering with reference to type, dimensions and character.**

N/A

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

N/A

**Describe how you will comply with the required yards and other open space.**

Setback requirements are met.

**Describe the general compatibility with adjacent properties and other property in the district.**

Residential houses on the north and south lots, alley to the west and residential house on the east.

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**Terms**

**Is the applicant and property owner the same?**

No

**Applicant Signature**

Jerika Shrontz  
12/23/2021

**Attachments**

 523309004 - Plot Plan.pdf  
Uploaded by Jerika Shrontz on Dec 23, 2021 at 9:57 am



Proposed Location.jpeg  
Uploaded by Jerika Shrontz on Dec 23, 2021 at 10:08 am

 SCS Contract - Angela Durante (1).pdf  
Uploaded by Jerika Shrontz on Dec 23, 2021 at 10:09 am

 Property Owner Affidavit 6-2021\_202106231703105114.pdf  
Uploaded by Jerika Shrontz on Dec 23, 2021 at 10:07 am

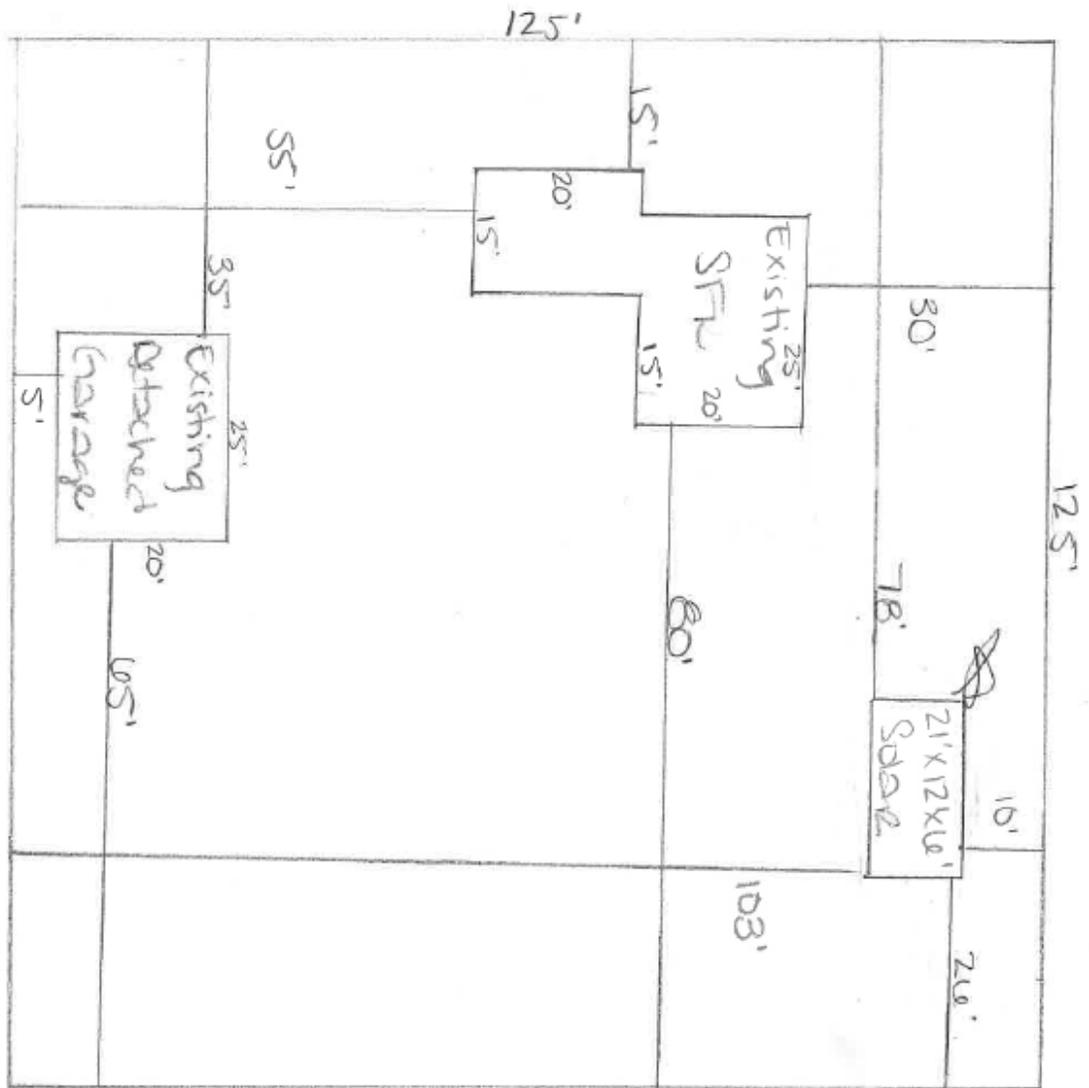
**History**

Date	Activity
Dec 23, 2021 at 9:47 am	Jerika Shrontz started a draft of Record 21-80
Dec 23, 2021 at 10:10 am	Jerika Shrontz submitted Record 21-80
Dec 23, 2021 at 10:10 am	approval step Fee Review was assigned to Planning Front Counter on Record 21-80
Dec 23, 2021 at 10:10 am	changed the deadline to Dec 25, 2021 on approval step Fee Review on Record 21-80
Dec 23, 2021 at 1:15 pm	Carol Martinez assigned approval step Fee Review to Carol Martinez on Record 21-80
Dec 23, 2021 at 1:16 pm	Carol Martinez approved approval step Fee Review on Record 21-80

**Timeline**

Label	Status	Activated	Completed	Assignee	Due Date
 Fee Review	Complete	Dec 23, 2021 at 10:10 am	Dec 23, 2021 at 1:16 pm	Carol Martinez	12/24/2021
 Application Fee	Active	Dec 23, 2021 at 1:16 pm	-	-	-
 Intake Review	Inactive	-	-	-	-
 Land Use Tech Review	Inactive	-	-	-	-
 Case Assignment	Inactive	-	-	-	-
 Planning (Zoning) Initial Review of Submittal	Inactive	-	-	-	-
 Public Notice	Inactive	-	-	-	-
 Public Notice Memo	Inactive	-	-	-	-
 Public Notice Fee	Inactive	-	-	-	-
 Staff Report and Agenda Distribution	Inactive	-	-	-	-
 ZBA Hearing Outcome	Inactive	-	-	-	-
 Review Permit	Inactive	-	-	-	-
 Final Inspection	Inactive	-	-	-	-

Exhibit I. Supporting Documents



← Carthage Ave →

2519 Carthage Ave  
Steel City Sober

1" = 20'  
NORTH ↑



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

Property Owner Affidavit

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

<b>Property Owner:</b>		
Name: Angela Durante		Company: Steel City Solar
Address: 2519 Carthage Ave		
City: Pueblo		State: CO Zip: 81003
Phone: 719-425-1774	Email: Angelaedurante@gmail.com	
<b>Applicant:</b>		
Name: Jerika Shrontz		Company: Steel City Solar
Phone: 719-569-5166/719-251-8608	Email: admin@steelcitysolar.us	
Property Address: 2519 Carthage Ave., Pueblo, CO 81003		

I, ANGELA DURANTE, hereby state that I am the owner of record of the property located at 2519 Carthage Ave., Pueblo, CO 81003, Pueblo, Colorado, and further acknowledge that by signing this affidavit I authorize the submission of an application for a Special Use Permit at said location.  
(application type)

 12/23/2021  
Signature of Property Owner Date

DocuSign Envelope ID: A9B98889-DB9A-4BF7-8D57-2966DDDDDF090

STEEL CITY SOLAR, LLC  
621 East Enterprise Drive  
Pueblo West, CO 81007  
Colorado Contractors License: EC.0100798



**Customer Information**

Angela Durante  
2519 Carthage Ave  
Pueblo, Colorado  
**Mounting Type**

**Ground Mount**

**Major System Components**

Panels: 12 Modules ,Watts: 410W Brand: SunPower 410 Modules

Inverter: SolarEdge HD Wave

Other Major Components: Roof Construction and Repairs by Excel Construction

**Standard Components**

Racking and mounting components per Uniform Building Code AC and DC disconnects per National Electric Code and Utility Wiring conduit and overcurrent protection per National Electric code Modules subject to substitution per layout and availability.

**Additional Components**

**Monitoring**

Web Based Monitoring Included

**Standard Work**

Design system and secure basic building or electrical permits (Architectural, planning commission or other reviews included). Install specified system. Complete and submit utility interconnection documents. Coordinate building, electrical and utility inspections.

**Additional Work**

Energy Efficient Upgrades for Roof

Contract Price \$ 50,212.00 Solar

System (4.92kW) – \$18,212

Roof Repairs by Excel Construction LLC – \$19,000.00

Rewiring by Thompson Electrical Systems -\$12,500

QC Fan 3.3 - \$1000.00

**Payment Schedule**

20 Year Finance @ 3.47%  
Monthly Payment \$290.44

**Time for Completion**

The work to be performed 90 by Contractor shall be substantially completed approximately Days from the signed date on this contract provided customer availability. (See Time Performance)

**Cancellation Policy**

If cancelation occurs after 3 days of completion of this contract the customer will be subject to the following fees (See Owners Right to Cancel Below):

- Permit Fees
- Utility Fees
- Administrative Fees
- Material Restocking Fees

All charges associated with cancelation will be invoiced to customer with detail of charges incurred by contractor. Any down payment given will be returned net of associated fees from cancelation.

**All Cancelations Must Be Received in Writing**

**Additional Contract Provisions**

- All payments are due net 10 days. 1% interest per month carrying charge.
- System Completion occurs upon building or electrical inspectors permit signoff. Utility inspection typically occurs 4 to 14 days after permit signoff.
- Quoted price includes permit and electrical utility fees.
- This PV system includes a 15 year warranty for no cost repair or replacement parts.

The quotation price is valid for 14 days from the above date, quoted schedule is valid for 3 days.

STEEL CITY SOLAR

DocuSigned by:  
*Angela Durante* 11/3/2021  
0B3B4ACCC4AB4DE...

Steel City Solar Customer Contract V102019



Proposed Location- Provided by Applicant