

Mike Castellucci  
Chair

Steve Anselmo  
Vice Chair



Lisa Bailey  
Secretary

Yvonne Lujan-Slak

Georgia Way

## ZBA-22-01

Hearing Date: 3/22/2022

**TO:** City of Pueblo Zoning Board of Appeals  
**FROM:** Bart Mikitowicz, Planner  
**THROUGH:** Scott Hobson, Land Use Administrative Official  
**LOCATION:** 209 S Prairie Ave  
**APPLICANT:** Douglas Miller  
**PROPERTY OWNER:** Douglas Miller  
**YEAR BUILT:** N/A  
**LEGAL DESCRIPTION:** THE S 60.08 FT OF LOTS 21-24 BLK B HILLS SUB LESS THE S 5 FT FORMER # 05-344-14-001  
**ZONE DISTRICT:** Single Family Residential (R-2) Zone District.  
**PARCEL ID:** ZBA-22-01  
**LOT SIZE:** 6,930 sqft

|                 |  |
|-----------------|--|
| <b>REQUEST:</b> | Special Use Permit to allow for a Residence, two-family (duplex) in a Single Family Residential (R-2) Zone District. |
|-----------------|--|

### SYNOPSIS OF REQUEST

The applicant is requesting a Special Use Permit to allow for a Residence, two-family (duplex) in a Residential (R-2) Zone District, which is a use by review in that district. Currently the lot is undeveloped and with the Special Use Permit the applicant intends to construct a new two thousand twenty-eight (2,208) square foot duplex with parking and access to the property off Collins Ave.

### ANALYSIS OF REQUEST

209 S Prairie Ave is a 6,000-sf. undeveloped lot located in the College & State Fair Neighborhood, along Prairie Ave., north of the Bessemer Ditch. The applicant is requesting a Special Use Permit to allow for a Residence, two-family (duplex) in a Single Family Residential (R-2) Zone District. In accordance with the Pueblo Municipal Code, the applicant is required to obtain a Special Use Permit in order start this project. Mr. Miller, the applicant, has submitted a comprehensive site plan and landscaping plan that comply with the residential placement standards. Planning staff does not project any negative externalities in development of this property for this use.

### ZONING DISTRICT AND LAND USE

| Zone: |  | Developed with:                        |
|-------|--|--|
| North | Single Family Residential (R-2) Zone District    | Single Family Home                     |
| East  | One & Two Family Residential (R-3) Zone District | St. Therese Catholic School and Church |
| South | Single Family Residential (R-2) Zone District    | Single Family Home                     |
| West  | Single Family Residential (R-2) Zone District    | Single Family Home                     |

**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. Site plans indicate a curb-cut and access to the property off Collins 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 will be handled by residential services and totes stored in the rear of the property off Collins Ave.**

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**

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

**STAFF CONDITIONS**

A. The property must be built-to-plan as indicated in “Exhibit J. Site & Landscaping Plans”

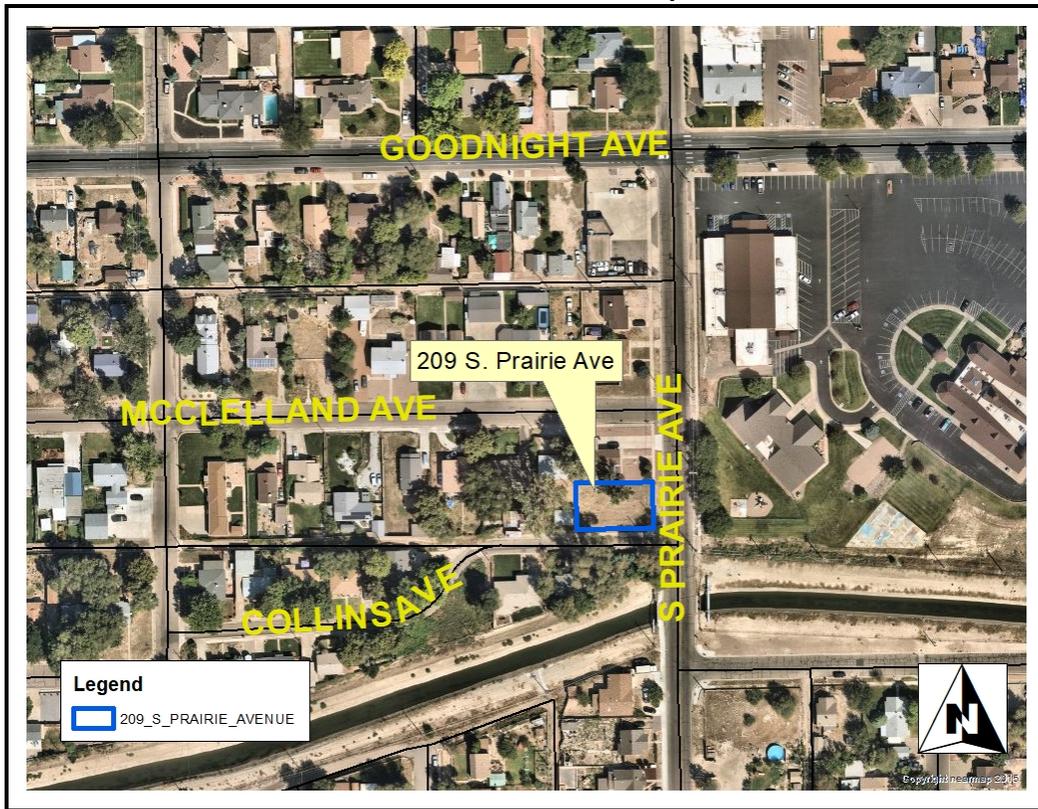
**ATTACHMENTS**

- 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
- J. Site & Landscaping Plans

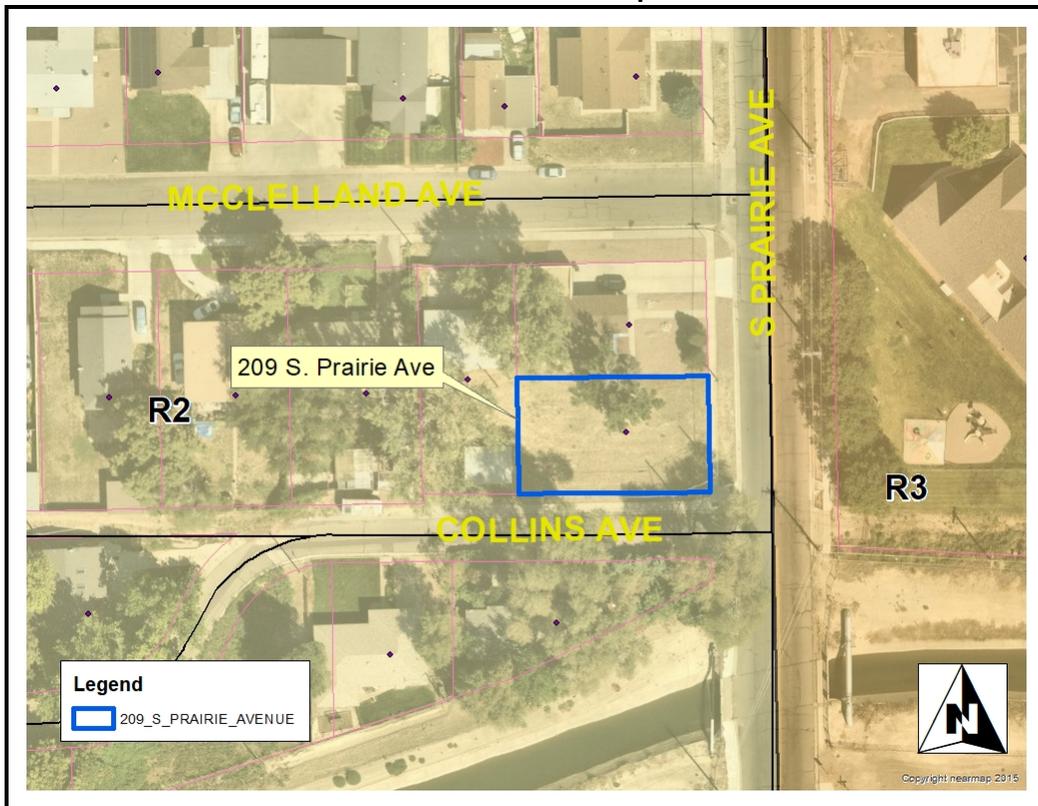
**Exhibit A. Standard Permit Conditions**

| <b>Standard Permit Conditions</b><br>Date of Issuance of Permit: <b>3/22/2022</b> |   |
|---|---|
| 1.  | <b>Time Limits</b> Zoning permit shall become invalid unless work or action authorized by permit is fully executed by <b>3/22/2023</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.   |

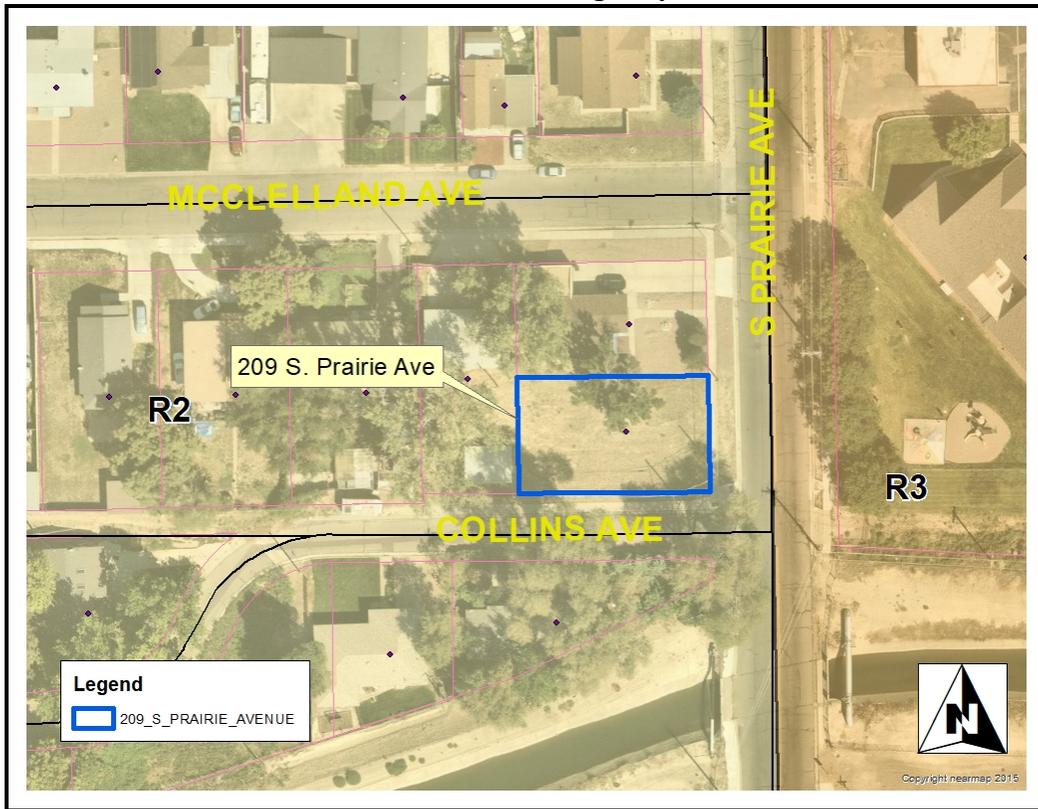
**Exhibit B. Location Map**



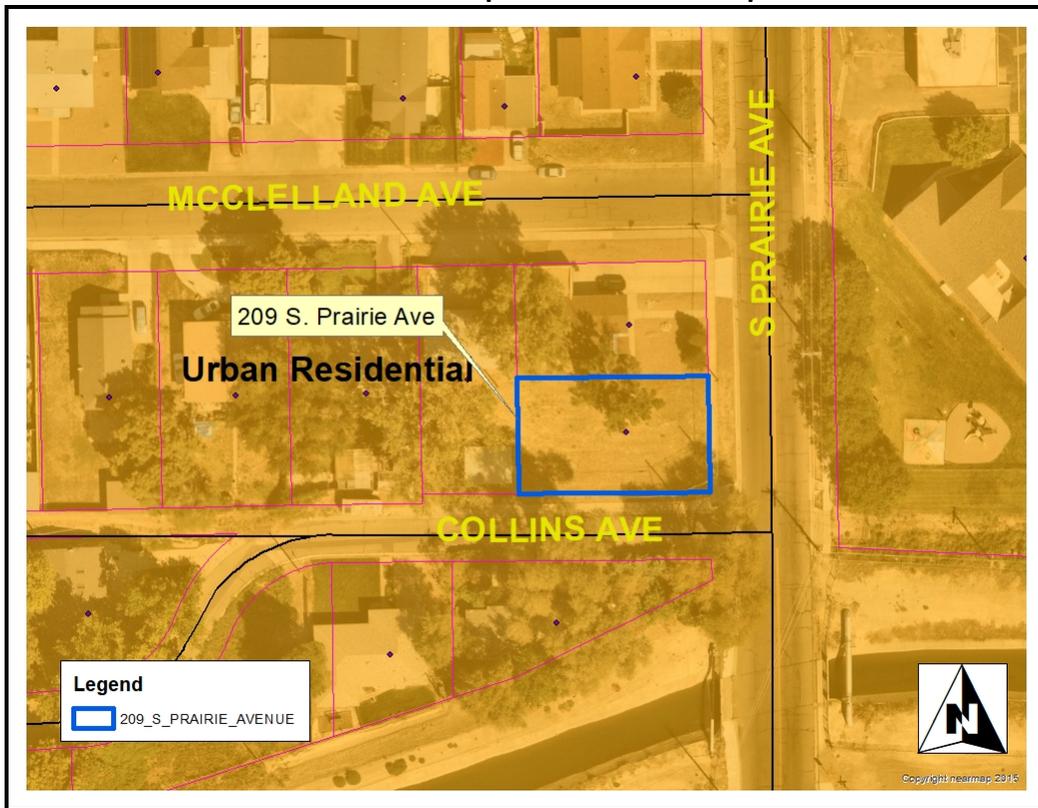
**Exhibit C. Site Map**



**Exhibit D. Zoning Map**



**Exhibit E. Comprehensive Plan Map**

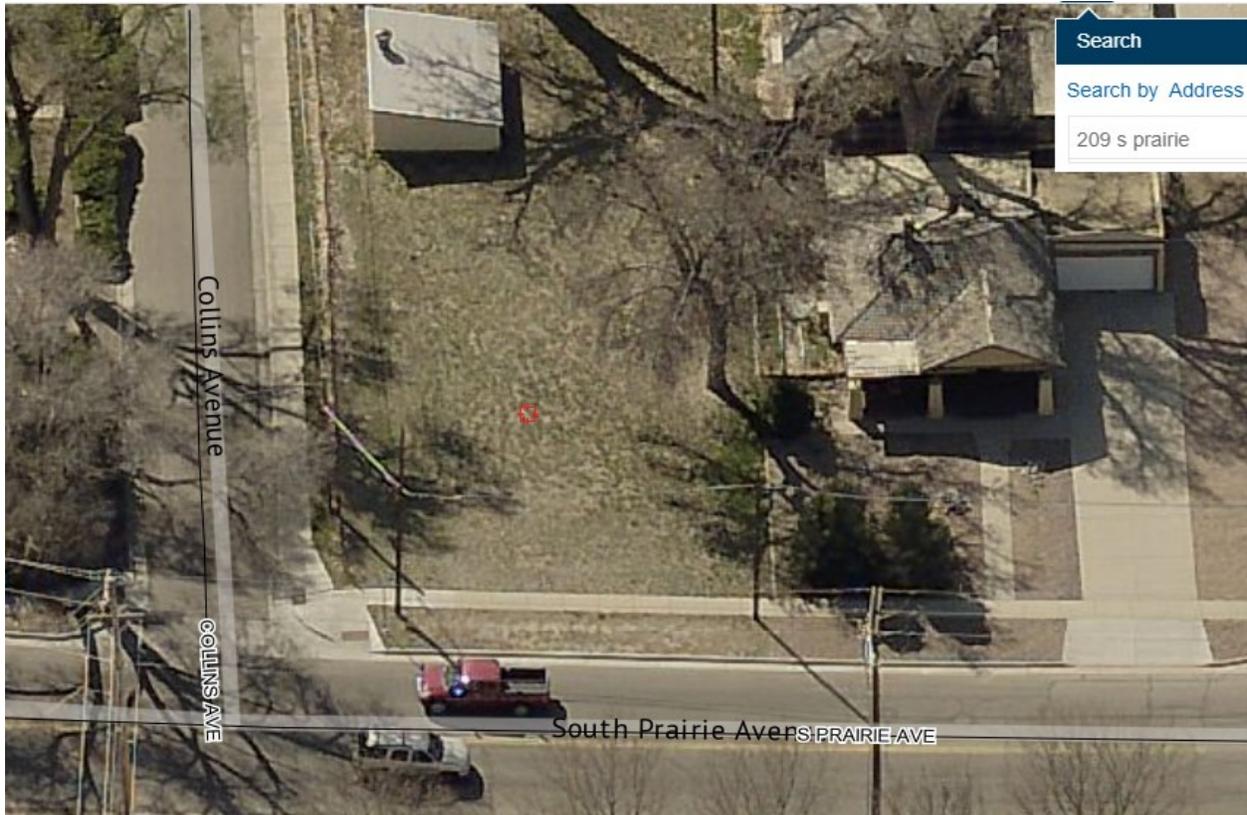


**Exhibit F. Public Notice**



Picture taken from S. Prairie Ave facing West

**Exhibit G. Site Pictures**



Picture taken from property facing Southwest

Exhibit H. Application



01/21/2022

22-11

Zoning Board of Appeals - Special Use Permit & Variances

Status: Active

Date Created: Jan 21, 2022

Applicant

Doug Miller  
dlmbuildinginc@hotmail.com  
522 Linda Vista  
Pueblo, CO 81005  
7192505254

Location

0 No Street Name  
68849

Owner:

MILLER DOUGLAS L  
522 LINDA VISTA AVE PUEBLO , CO 81005-1711

Internal

ZBA Case Number  
ZBA-22-01

Planner Assigned  
--

ZBA

Hearing Date  
02/22/2022

Hearing Results  
--

Board Conditions  
--

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

Type of Use by Review

APPLICATION COMPLETED IN OPEN GOV

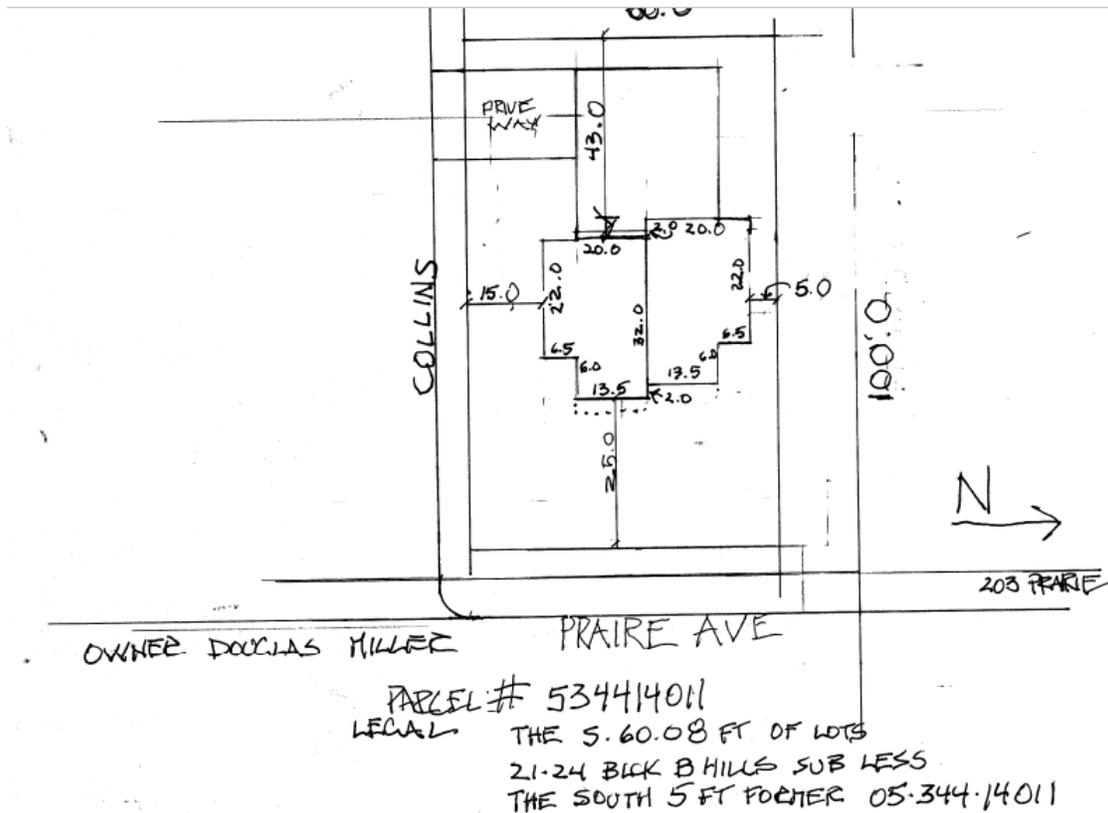
Exhibit I. Supporting Documents



**DOUG MILLER**  
**BUILDING**  
 DESIGN • BUILD • RENOVATE

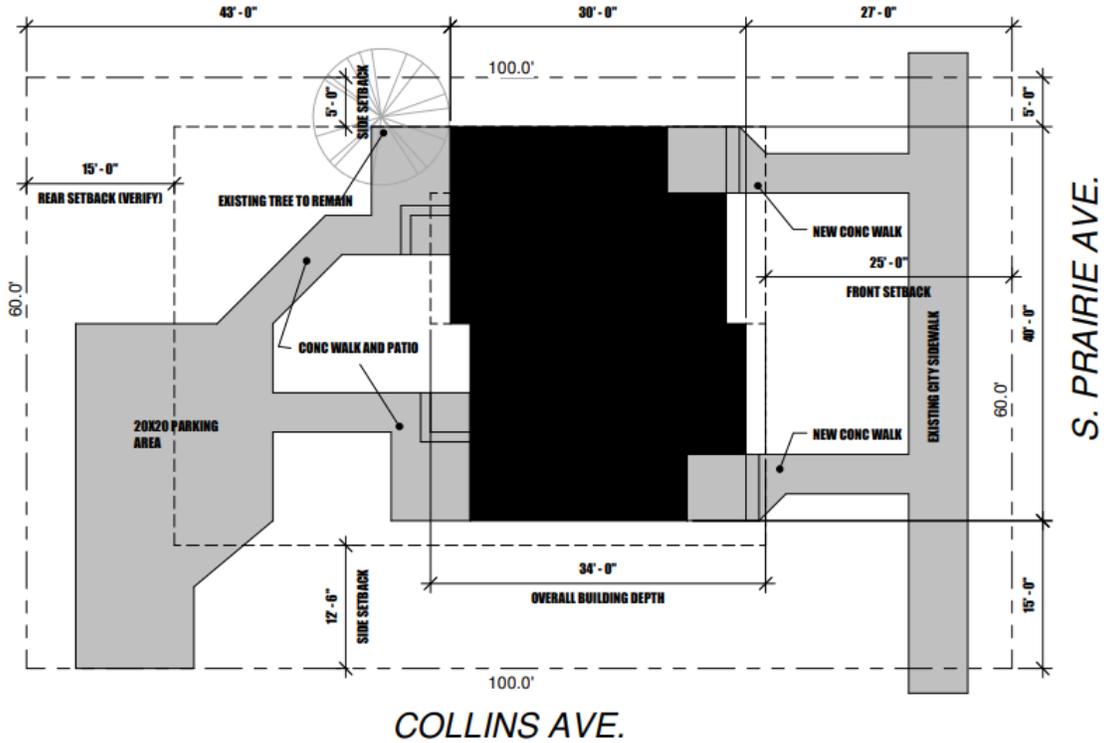


EXTERIOR VIEWS  
**SUMNER AVE-v4**  
 4-8-18





### Exhibit J. Site & Landscaping Plans



**DOUG MILLER BUILDING**  
DESIGN - BUILD - RENOVATE

|  |   |
|--|---|
| <b><u>PROJECT INFORMATION:</u></b>                                   | <b><u>LEGAL DESCRIPTION:</u></b>        |
| OCCUPANCY GROUP: R-3 (DUPLX)   | THE S. 60.8' OF LOTS 21-24 BLK. B HILLS |
| CONSTRUCTION TYPE: V-B   | LESS THE S. 5' FORMER #05 344-14-001    |
| UNIT SQUARE FEET: 1,014<br>(FIRST FLOOR: 494)<br>(SECOND FLOOR: 520) | PARCEL # 534414011                      |
| DUPLX SQUARE FEET: 2,028   |   |



PL1.1

**S. PRAIRIE AVE. APARTMENTS**

**SITE PLAN**  
2/21/22  
As indicated

