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Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

ZBA-22-24

Hearing Date: June 28, 2022

TO: City of Pueblo Zoning Board of Appeals
FROM: Bart Mikitowicz, Planner
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 520 W 13th St, Pueblo, CO 81003
APPLICANT: Mitchell Ryan
PROPERTY OWNER: Carla Goyette
YEAR BUILT: 1953
LEGAL DESCRIPTION: LOTS H,I,J,K, + L BLK ELIZ PL SUB OF N 1/2 OF BLK 37 IN COUNTY ADD
ZONE DISTRICT: Multiple Residential and Office (R-5) Zone District
CONCURRENT REQUEST(S): Z-22-08: rezoning .34 acres from R-5, Mixed Residential and Office District to B-2, Subregional Business District to accommodate a retail store.
PARCEL ID: 525419013
LOT SIZE: 5872 sq. ft.

REQUEST: Variance to reduce the front yard setback from twenty-five (25) feet to zero (0) feet, and the rear yard setback from (15) feet to eight (8) feet in a Multiple Residential and Office (R-5) Zone District.

REQUEST

The applicant is requesting a zone change from R-5 to B-2 to operate a retail store; however, the commercial structure does not meet the front and rear setbacks required in a B-2 Zone District. The Planning and Zoning Commission reviewed the rezone request on June 8, 2022, and recommended approval with the condition that the property receive a variance for the front and rear-yard setbacks prior to City Council review and approval of the B-2 zone change.

ANALYSIS OF REQUEST

The building at 520 W. 13th Street was constructed in 1953, prior to the establishment of the current setback regulations that were instituted in 1968. The structure was the long-time home of the Salvation Army and has sat vacant since the Salvation Army relocated several years ago. The property has areas for public parking on both the east and west sides of the lot, alley access and two curb cuts along 13th Street. The existing building is constructed to the front property line and does not provide the required, 25-foot front-yard setback. An eight-foot rear yard setback is provided adjacent to the alley; however, the B-2 Zone District requires a 15-foot rear-yard setback. Therefore, the B-2 rezoning is contingent upon the property owner obtaining a variance for the zero-foot front-yard setback and eight-foot rear-yard setback

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Sub-Regional Business (B-2) Zone District	Believers Realty
East	Sub-Regional Business (B-2) Zone District	Hanger Clinic
South	Multiple Residence and Office (R-5) Zone District	Single Family Homes
West	Multiple Residence and Office (R-5) 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 VARIANCE

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: Affirmative Finding. The encroachment into the setbacks was established in 1953, adjacent properties were either developed at the same time or later than the subject property. This variance will not exacerbate and existing issues of light and air.

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. This Variance will not negatively affect land use planning or the location of streets and highways.

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

Comments: Affirmative finding. The Variance in question is a required procedure needed to rezone this property. The appropriateness of this use, and variance was previously established in Z-22-08. Whereas, without this Variance in question this property would not be properly developed at this time.

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: Affirmative finding. This commercial structure was built in 1953 and it does not conform with the standards and setback requirements established in 1968.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board chooses to approve this Variance staff only 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

Standard Permit Conditions Date of Issuance of Permit: 6/28/2022	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 6/28/2023
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 <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.	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 <u>BUILDING PERMIT</u> 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 <u>SOLELY</u> 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.

Exhibit B. Location Map



Exhibit C. Site Map

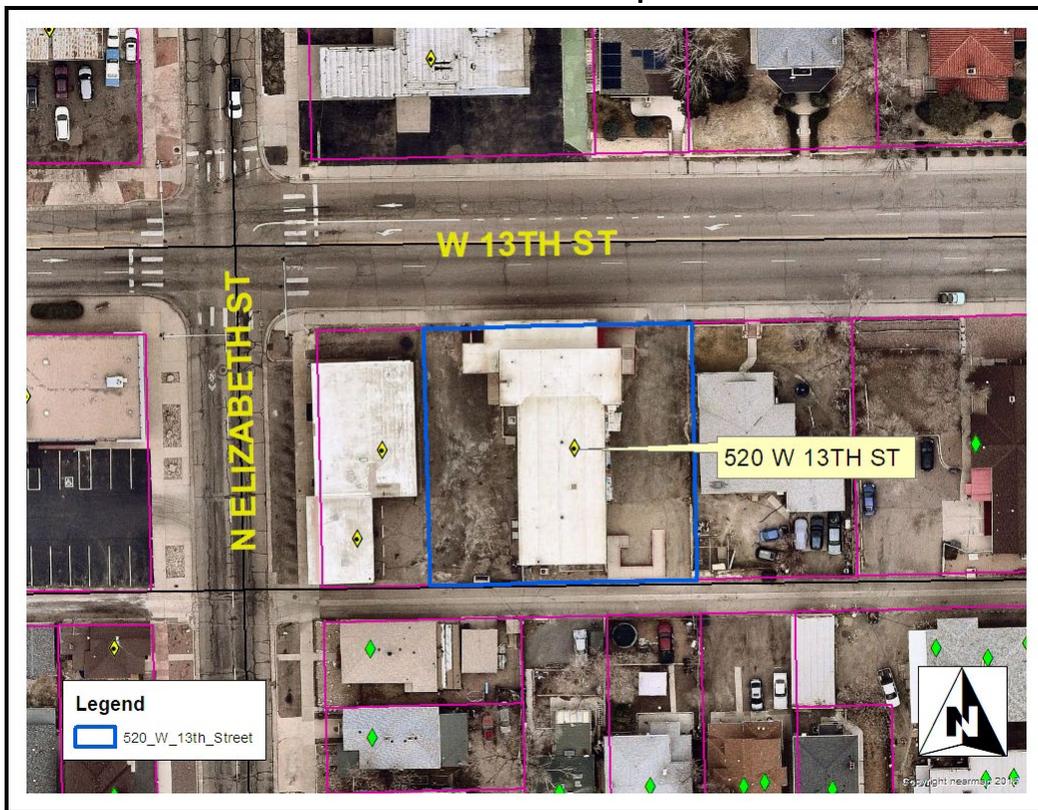


Exhibit D. Zoning Map

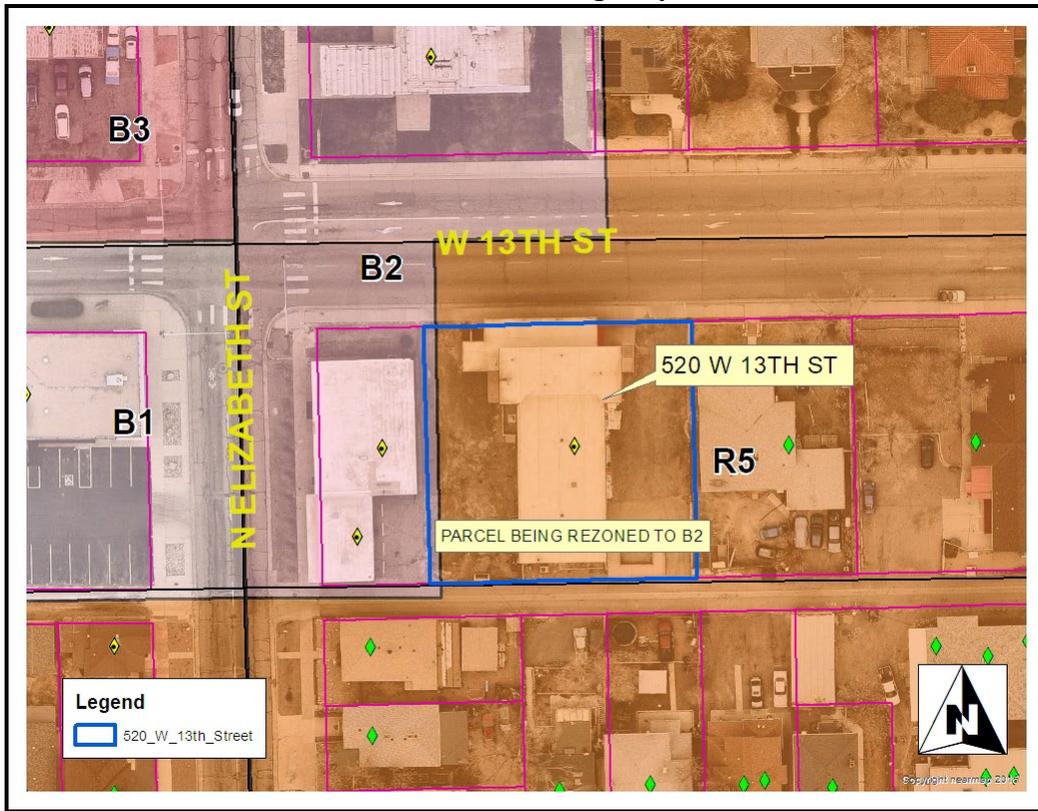


Exhibit E. Comprehensive Plan Map

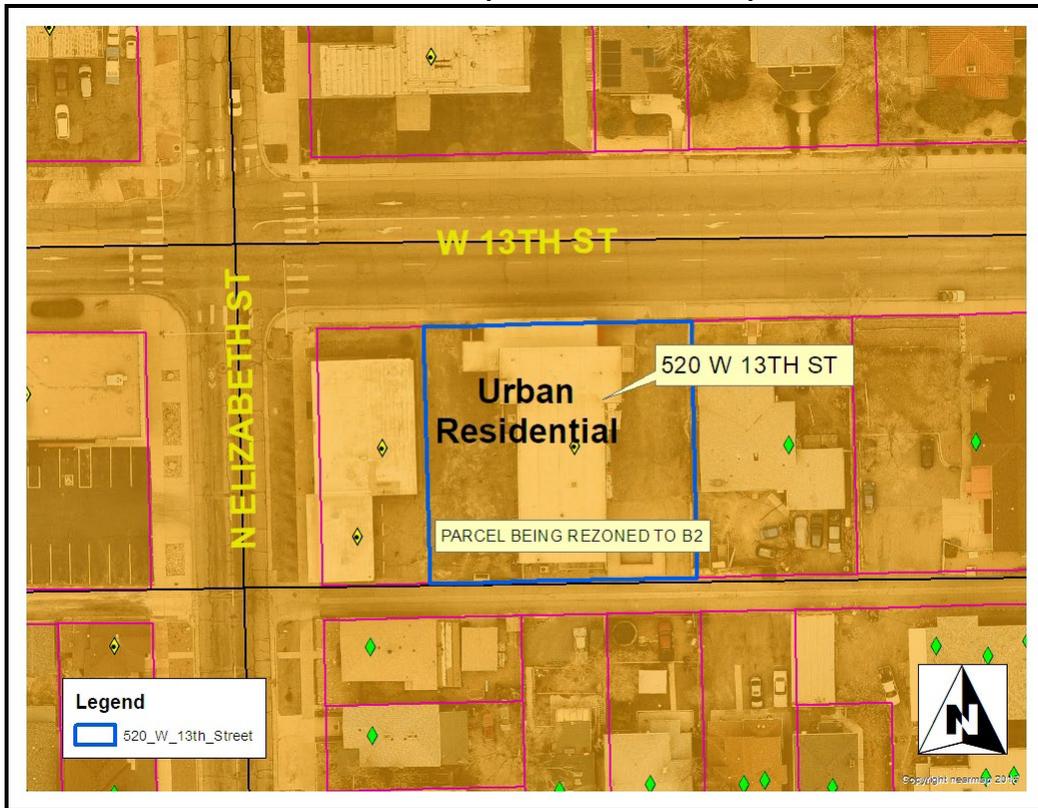


Exhibit F. Public Notice



Picture taken from parking lot facing south

G. Site Pictures







City of Pueblo PLACE

05/31/2022

22-93

Zoning Board of Appeals - Special Use Permit & Variances

Status: Active

Date Created: May 30, 2022

Applicant

Mitchell Ryan
nerdgasmemporium@gmail.com
2108 E 12th St
Pueblo, Colorado 81001
5157203523

Location

520 W 13TH ST
PUEBLO, CO 81003

Owner:

GOYETTE CARLA SUE
9040 CHARITY DR COLORADO SPRINGS , CO 80920-7368

Internal

ZBA Case Number

ZBA-22-24

Planner Assigned

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ZBA

Hearing Date

06/28/2022

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:

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Scope of Work

Exhibit I. Supporting Documents



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.

Property Owner:		
Name: Carla Goyette		Company: Nerd Emporium
Address: 520 W 13th St		
City: Pueblo		State: Co Zip: 81003
Phone: (719) 641-1878	Email: nerdgasmemporium@gmail.com	
Applicant:		
Name: Mitchell Ryan		Company: Nerd Emporium
Phone: (515) 720-3523	Email: nerdgasmemporium@gmail.com	
Property Address: 520 W 13th St		

I, Carla Goyette, hereby state that I am the owner of record of the property located at 520 W 13th St, Pueblo, Colorado, and further acknowledge that by signing this affidavit I authorize the submission of an application for a front and rear yard setback variance at said location.

ZONING BOARD OF APPEALS – SPECIAL USE PERMIT & VARIANCES

Signature of Property Owner Date :

Carla Goyette 05/30/22

06-2020

