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Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

ZBA-22-30

Hearing Date: July 26, 2022

TO: City of Pueblo Zoning Board of Appeals
FROM: Theron Verna, Planner
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 2227 Inspiration Ln, Pueblo, CO 81008
APPLICANT: Brandon Lauer
PROPERTY OWNER: Brandon Lauer
YEAR BUILT: 2008
LEGAL DESCRIPTION: LOT 13 BLK 8 WESTRIDGE FILING NO 7 FORMERLY #05-113-00-010
ZONE DISTRICT: Single Family (R-2) District
PARCEL ID: 511334003
LOT SIZE: 7390 sq ft

REQUEST:	Special use permit for a duplex in a Single Family Residential (R-2) Zone District
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SYNOPSIS OF REQUEST

The applicant, Brandon Lauer, plans to convert their current garage into an additional living unit. This garage is approximately 460 square feet and will be rented out as a studio unit. Therefore, the applicant is requesting a special use permit to allow a duplex in a Single Family Residential (R-2) District, which is a use by review in that district (Sec 17-4-51(c)(157)).

ANALYSIS OF REQUEST

2227 Inspiration Ln is a 7390 square foot residential lot built in 2008. The property is in the Westridge neighborhood, NE of the north side water storage tank. The property is a corner lot at the intersection of Inspiration Ln and Widener St with primary access off Inspiration Ln. The applicant plans to convert the 460 square foot garage into a separate studio unit with its own kitchen, bathroom, and living space. The applicant plans to pave an additional off-street parking spot on the second front on the west side of the parcel and provide a separate trash bin for the studio unit. The applicant plans to use \$115,000 to renovate the garage to a duplex adhering to the building code standards. The garage will be hooked up to the existing sewer, water, electric, heat and air conditioning utilities. The applicant will use a licensed architect and contractors for the renovation and work with the city to make sure they obtain the correct building permits.

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	Single Family Residential
South	Single-family Residential (R-2) Zone District	Single-family Residential
West	Single Family Residential (R-2) Zone District	Single-family Residential

COMPREHENSIVE PLAN

The comprehensive plan depicts Suburban Neighborhoods (SN) for this parcel. Suburban Neighborhoods are defined as predominantly single-family detached and attached homes on similarly sized lots with future development accommodating a similar mix of lot sizes and housing types. They generally hold 2 to 5 dwelling units per acre. These neighborhoods are generally to be designed with a mix of housing types, good pedestrian and bicycle connectivity between neighborhoods, and limited transit services.

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 F). These notices occurred at least 10 days prior to the hearing.

OTHER AGENCIES

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

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 has access off Inspiration Ln with additional access planed off of Widener Ct.

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. The property currently has a driveway with the capacity to hold 4 compact cars. The applicant plans to pave an additional parking space for the studio unit.

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

Comments: Affirmative finding. The applicant will purchase an additional garbage can for the studio unit, which will be pickup at the curb.

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

Comments: Affirmative finding. Sewer, electrical, and water service are available to the property. The proposed studio unit will have separate hookups for utilities.

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

Comments: Affirmative finding. The applicant will maintain current fencing and assure that the duplex use will not spill into adjacent properties.

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. The only additional outdoor lighting would be a porch light added above the front door to the proposed studio unit.

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. It is anticipate that the duplex will have minimal effect on adjacent properties as there is minimal to no increase in building footprint and the property is a corner lot with a large amount of space for off-street parking. The proposed duplex use is small in scale and should not affect the overall character of the neighborhood to any noticeable degree.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board chooses to approve this Special Use Permit staff recommends Standard Permit Conditions 1 through 13 as well as the following staff conditions:

1. The applicant will provide 2 onsite parking spots outside of the front and side yard setbacks in accordance to Section 17-4-42 of the Pueblo Municipal Code.

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: 3/22/2022	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 7/26/2023
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

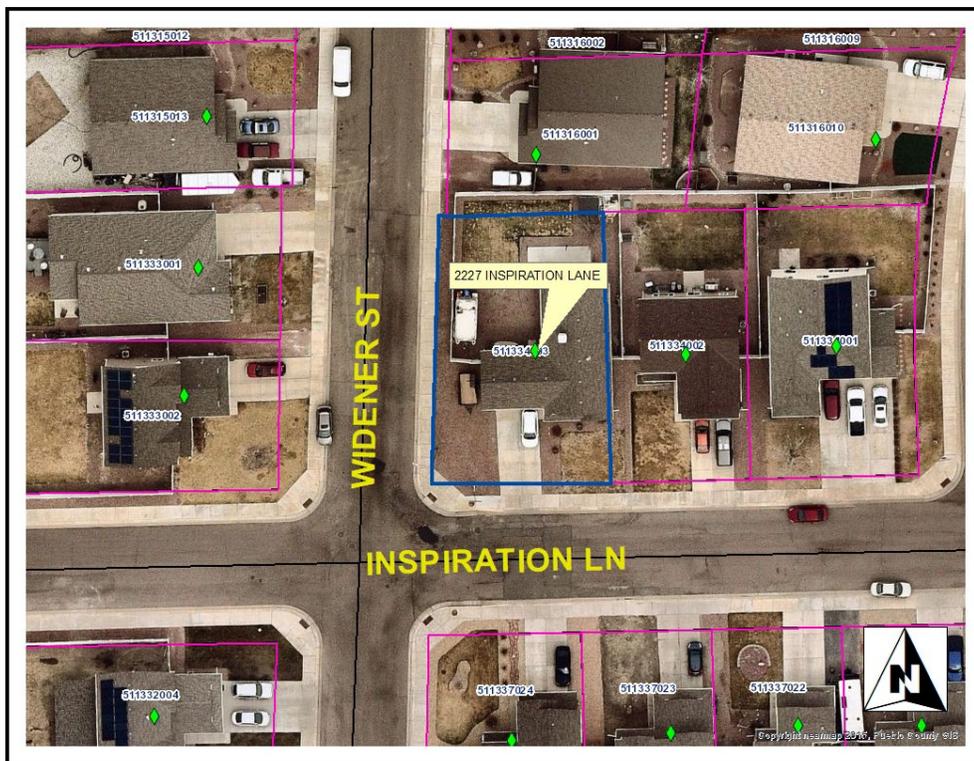


Exhibit D. Zoning Map

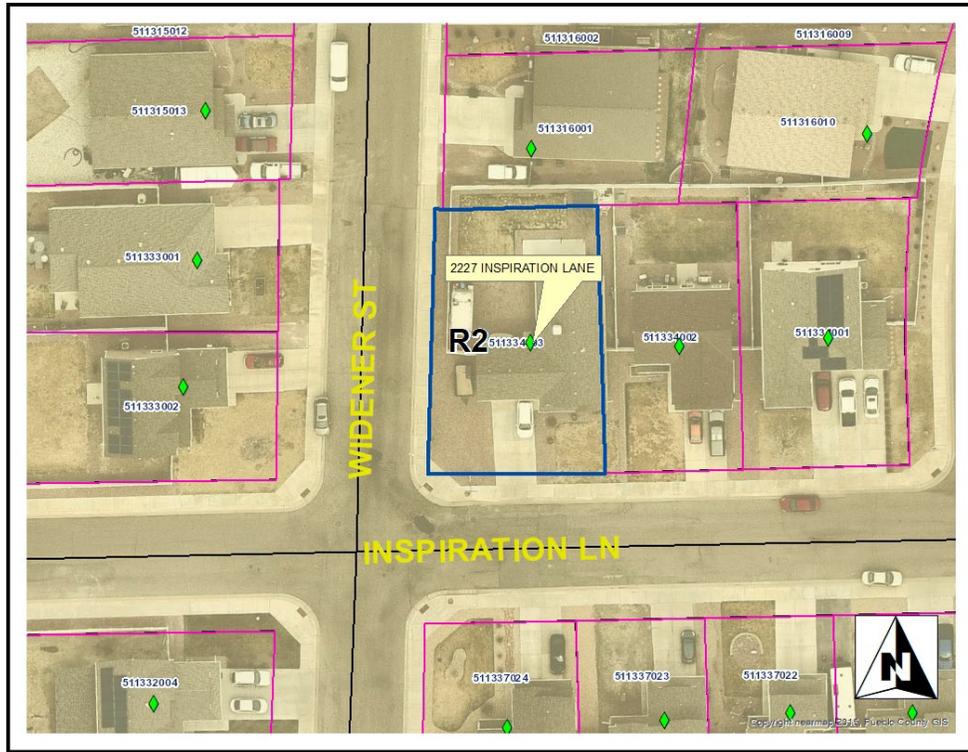


Exhibit E. Comprehensive Plan Map

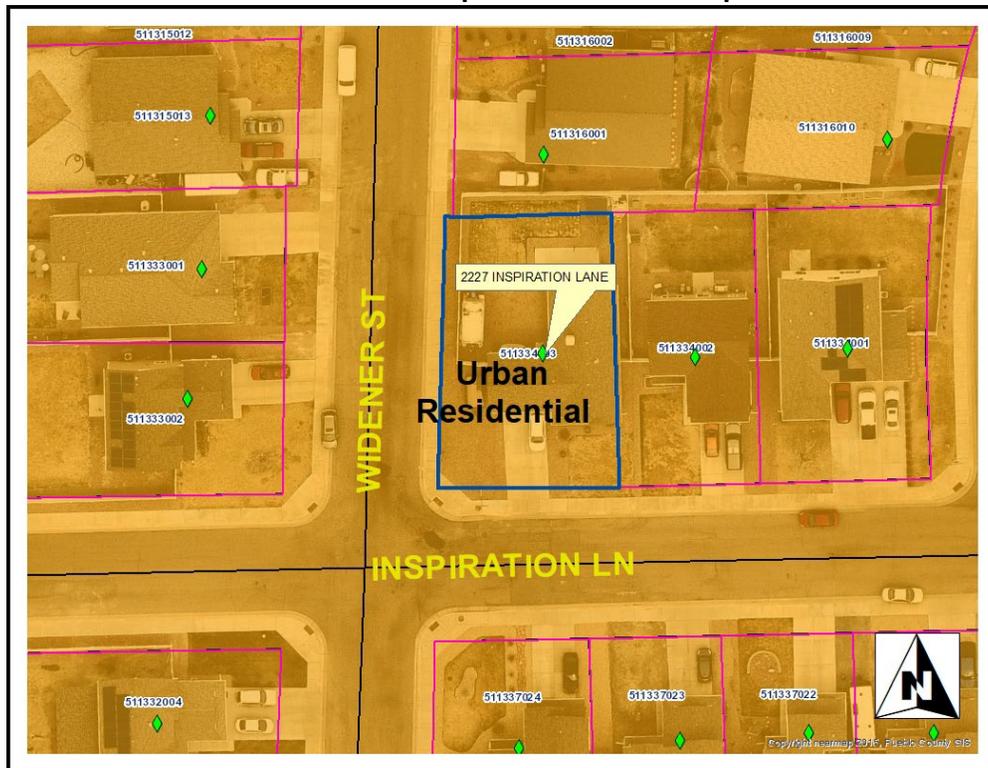


Exhibit F. Public Notice



Taken from Inspiration Ln facing North.

Exhibit G. Site Pictures

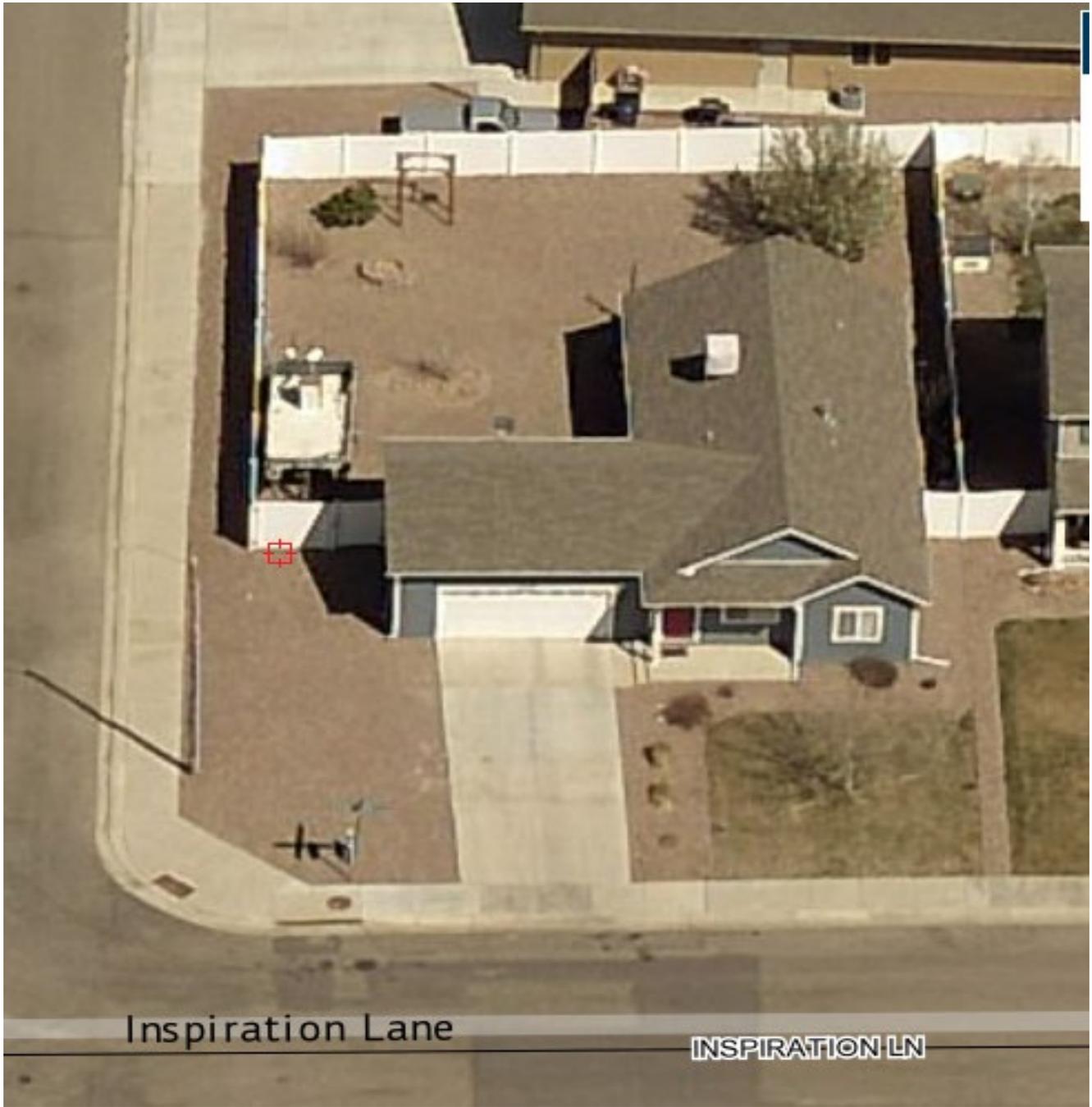


Exhibit H. Application Completed in OpenGov



06/30/2022

22-108

Zoning Board of Appeals - Special Use Permit & Variances

Status: Active

Date Created: Jun 21, 2022

Applicant

Brandon Lauer
brandonlwr@hotmail.com
2227 Inspiration Ln
Pueblo, CO 81008
7194295954

Location

2227 INSPIRATION LN
PUEBLO, CO 81008

Owner:

LAUER MCKINSEY L/LAUER BRANDON R
2227 INSPIRATION LN PUEBLO , CO 81008-2858

Internal

ZBA Case Number
ZBA-22-30

Planner Assigned
--

ZBA

Hearing Date
07/26/2022

Hearing Results

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Board Conditions

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Appeal Term End Date

--

Permit Completion Date

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Specially Requested Hearing

Public Notice

Number of Posters
1

Number of Postcards Sent

16

Cost of Newspaper Notice

--

Public Notice Costs

17

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	
Type of Request Use by Review (Special/ Limited Use Permit)	Type of Use by Review Special Use Permit
https://pueblo.viewpointcloud.io/#/explore/records/32471/printable?act=true&app=true&att=true&emp=true&int=true&loc=true&sec=1011981%2C10... 1/4	
6/30/22, 8:46 AM	OpenGov
Provide a short description of the proposed request:	
Applying for a special use permit to allow our primary residence to be rented out as a duplex in R-2 zoning.	
What is the general use of the property	
Residential	
Detailed explanation of the request as listed above.	
We would like to convert our existing attached garage into an apartment that we can rent out longterm. We currently use this home as our primary residence. We need our home which is zoned R-2 in city limits to be allowed to rent out our home as a duplex.	
The garage is approximately 460 square feet. If the special use permit is granted we have \$115,000 to renovate our garage to pueblo multifamily safety and building code standards. the garage will be hooked up to existing utilities of sewer, water, electric, heat and air conditioning. We will use a liscenced architect and contractors for the renovation and work with the city to make sure we get the correct building permits, inspections and fees. The apartment would be a studio with a kitchen and one bathroom. We would also concrete pave an additional parking spot on our lot, which we have plenty of room for because our home is located on a larger corner lot.	
Thank you for your consideration.	
Justification of facts required for the request. Be specific.	
We are wanting to increase our property value, use the garage apartment as an investment and to provide housing for a citizen of pueblo in a great neighborhood which is in low inventory from our research.	
I reached out to city planner Theron Verna and he explained to me that applying for a special use permit for a duplex use of our R-2 home would be the best course of action.	
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...	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_Ti...
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_Ti...	
Are there any concurrent zoning requests?	
Yes	
Provide information on the concurrent request	
We are applying for a special use permit for a duplex multi family use of our R-2 zoned home.	
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.	
As ingress and egress in concerned we have one existing exterior door in the garage that leads to the back yard. We would frame out	

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.

As ingress and egress in concerned we have one existing exterior door in the garage that leads to the back yard. We would frame out another exterior door where the garage door is to the front of the garage conversion. We also would be placing two means of egress via 2 windows in the living room and kitchen that lead into the front of the home. The two windows would be placed into the 1 bedroom which would have one to the front and one to the back of the home. We will adhere our garage apartment conversion to Pueblo city traffic flow, access and fire code and safety laws.

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.

We have an existing concrete driveway that will hold 4 compact car parking spots. If approved we would add an additional concrete 1 car parking spot to the west of the existing driveway.

We should have no additional economic noise to our neighbors and community because we will require tenants to adhere to city noise ordinances. We also will not allow pets in our lease agreements which will help with the economic noise.

There should be no glare or odor effects of the special use of this garage apartment conversion because it will be used for residential use.

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

<https://pueblo.viewpointcloud.io/#/explore/records/32471/printable?act=true&app=true&att=true&emp=true&int=true&loc=true&sec=1011981%2C10...> 2/4

6/30/22, 8:46 AM

OpenGov

We will purchase an additional garbage can and we will hook up to the city sewer system.

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

We would tie into existing utilities to our primary house. To my knowledge we should have the availability and compatibility.

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

The special use permit will use the exciting type, dimension and character of the existing garage building.

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.

The only exterior lighting we would be adding is one additional porch light to the front of the garage where the front door would be located. There shouldn't be any additional glare to traffic, safety and the neighborhood because we have a street light that is on our property.

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

We will comply with the one yard and open space to the north and west of the garage by keeping maintenance of the existing fence which separates our property and the neighbors and the open space of the city street.

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

There should be no problems with adjacent properties since we are located on a corner lot so there is no adjacent properties next to the side of the garage.

Terms

Is the applicant and property owner the same?

Yes

Applicant/Property Owner Signature

Brandon Lauer
06/16/2022

Exhibit I. Supporting Documents

