

Mike Castellucci
Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

ZBA-22-40

Hearing Date: 8/23/2022

TO: City of Pueblo Zoning Board of Appeals
FROM: Bart Mikitowicz, Senior Planner
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 1724 Spruce St, Pueblo, CO 81004
APPLICANT: Rozelle Cawthron
PROPERTY OWNER: Charles Joannette Marie
YEAR BUILT: 1922
LEGAL DESCRIPTION: LOTS 13 + 14 BLK 4 LAKE MINNEQUA ADD
ZONE DISTRICT: Mixed Residential (R-4) Zone District
PARCEL ID: 1512304007
STRUCTURE SIZE: 3840 sqft

REQUEST: Variance to reduce the required off-street parking in Mixed Residential (R-4) Zone District by one hundred percent (100%) from five (5) spaces to zero (0) spaces

SYNOPSIS OF REQUEST

The applicant, Mr. Cawthorn, desires to maintain operation of Assisted Living Facility at 1724 Spruce St. According to section 17-4-51 (c) an assisted living facility is a use by review in a Mixed Residential (R-4) Zone District, therefore the applicant is required to obtain a Special Use Permit at this location, to continue this use; Mr. Cawthorn has already applied for this permit (ZBA-22-34). However, to be in full compliance with the Municipal Code, the applicant is required to apply for Variance as well because they cannot meet the parking requirements for an Assisted Living Facility. Section 17-4-43(b)(11), of the Pueblo Municipal Code, states: assisted living, nursing homes, skilled nursing, hospice, or memory care housing shall be provided with one (1) parking space for every three (3) approved or Colorado licensed beds. Which calculates to five (5) required off-street parking spots. Therefore, the applicant is applying for a Variance to reduce the required off-street parking in Mixed Residential (R-4) Zone District by one hundred percent (100%) from five (5) spaces to zero (0) spaces.

ANALYSIS OF REQUEST

1724 Spruce St is a 3,840-sf. multifamily residence built in 1922. The parcel is in the Lake Minnequa Addition Subdivision, south of the Steelworks Center of the West. The subject property, Eddie’s House, has operated at this location for “several decades” providing housing, food, activities, and day to day support for older adults in need of mental health services. Eddie's house is a bi-level building with a basement. It has the capacity to house 14 residents. There is a kitchen, dining room, day room, admin office, multiple outside break areas, 6 bathrooms, laundry room, basement storage, and wheelchair access. The residence is a pedestrian centric historic multifamily structure, designed to maximize living space for the tenants by minimize vehicle access and off-street parking.

In September of 2017, The Pueblo City Council approved a Text Amendment (TA-17-07) approving several modifications to the off-street parking code. Specifically, §17-4-44(a)(1) which now states:

“In the event these off-street parking requirements do not appear reasonable when applied to a specific use or combination of uses, the City Traffic Engineer or the applicant may apply to the Zoning Board of Appeals for a variance, but, unless otherwise permitted, the variance may not reduce or increase the required number of spaces by more than fifty percent (50%), unless the property is located within the City of Pueblo's Established Development Boundary, as adopted by City Council Resolution. Properties located within the City's Established Development Boundary, may apply for a variance up to one hundred percent (100%) of the required off-street parking requirements. The Zoning Board of Appeals may grant a variance to the minimum parking requirements if the applicant demonstrates that the project will not generate additional parking or traffic demands or increase the rated occupancy load. Applicant must also prove that parking demand can be met with an existing parking availability to include public or private parking facilities; or that the proximity of transit services, bicycle facilities, or pedestrian demand as a neighborhood service do not warrant strict adherence to the required off-street parking requirements for the zone district and proposed use.”

This project is located within the City's Established Development Boundary and thus may apply for the one hundred percent (100%) variance indicated in §17-4-44(a)(1). The location is about nine hundred (900') feet from the nearest bus stop at Evans Ave and Canal Street. Staff does not predict any new negative externalities in the granting of this Variance as the fundamental use of this building has been consistent for the past 100 years. Currently staff and visitors utilize on-street parking adjacent to the property.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	One and Two-Family Residential (R-3) Zone District	Single-family Residential
East	One and Two-Family Residential (R-3) Zone District	Single-family Residential
South	One and Two-Family Residential (R-3) Zone District	Single-family Residential
West	Single-family Residential (R-2) Zone District	Religious Institution

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 structure is legal nonconforming and compliant. The required yards and setback for this site will not be affected by the granting of a Variance.

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 to reconcile the lack of parking established in 1922. Strict adherence to the parking code would prohibit the intended use of this property and would not reflect the spirit of the code itself.

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 1922 and it does not conform with the standards, parking, or 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.

1. Contingent on approval of ZBA-22-34: Special Use Permit to allow for an Assisted Living Facility in a Mixed Residential (R-4) Zone District.
2. Provide one onsite bicycle-rack for residents.

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

Standard Permit Conditions Date of Issuance of Permit: ZBA-22-40	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 8/23/2023
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. Site Map

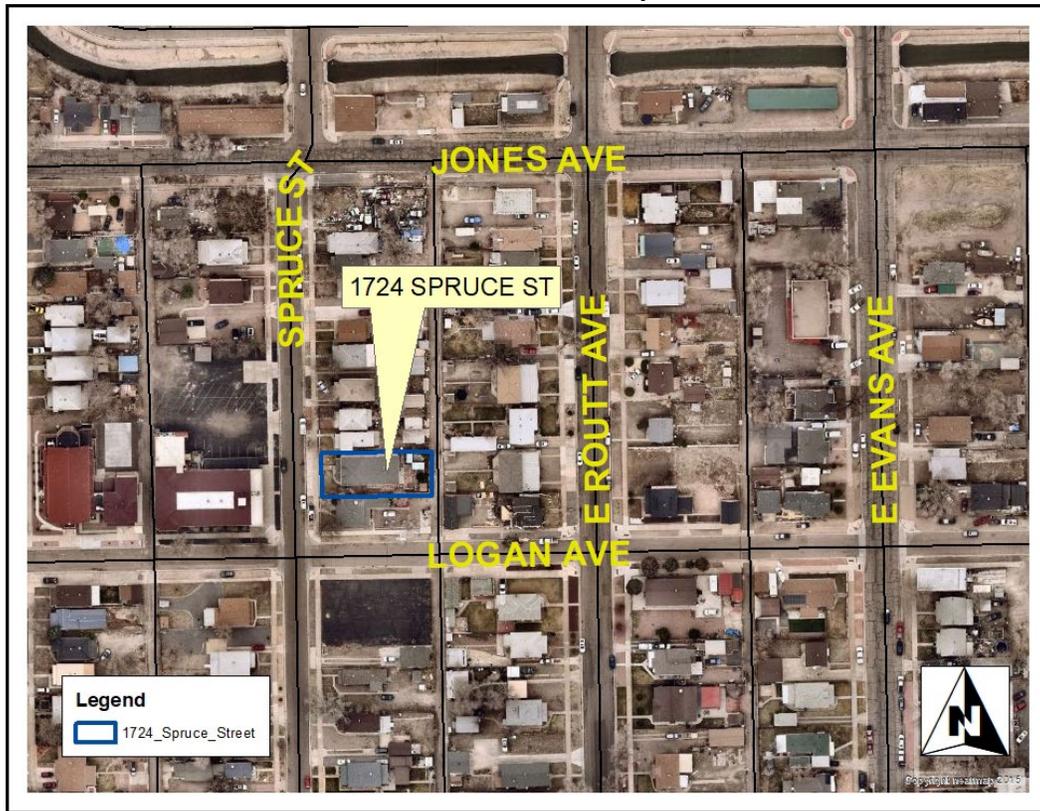


Exhibit C. Aerial Map

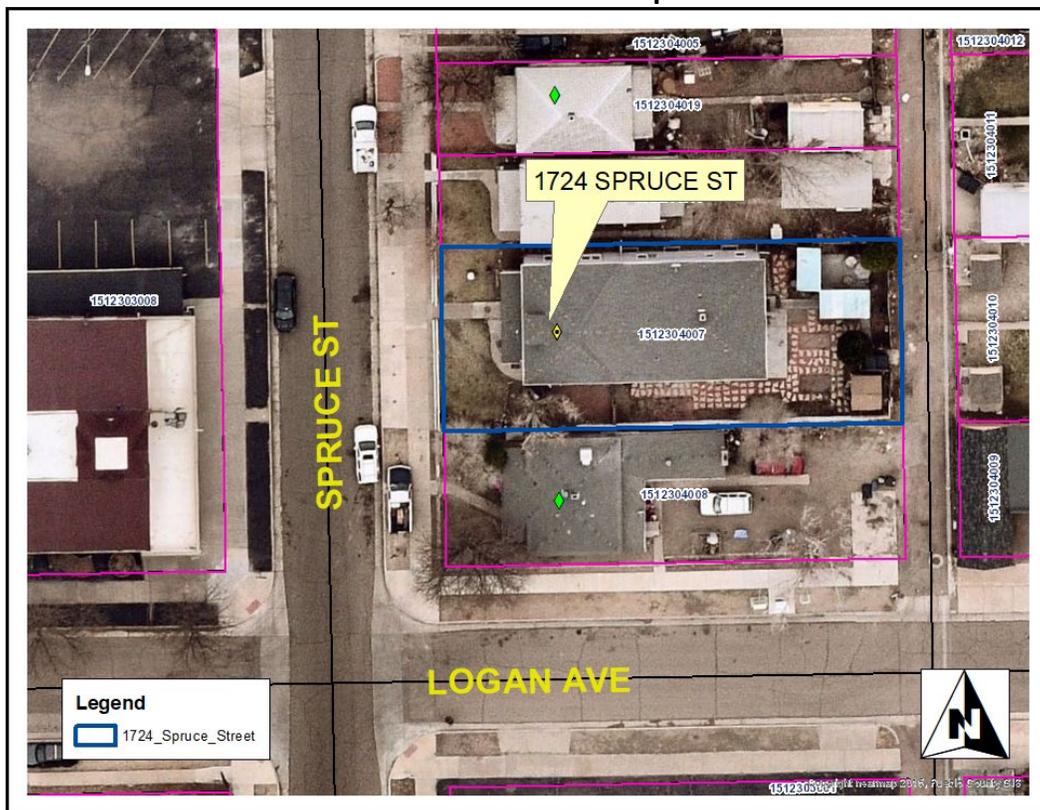


Exhibit D. Zoning Map

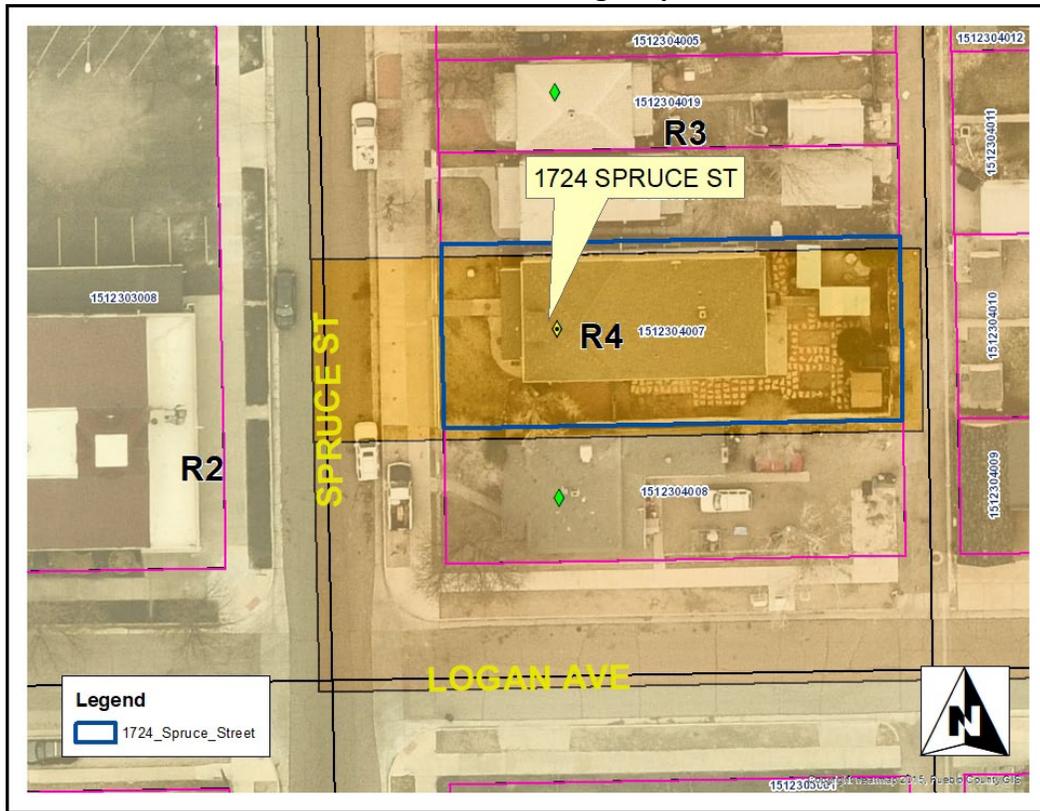


Exhibit E. Comprehensive Plan Map

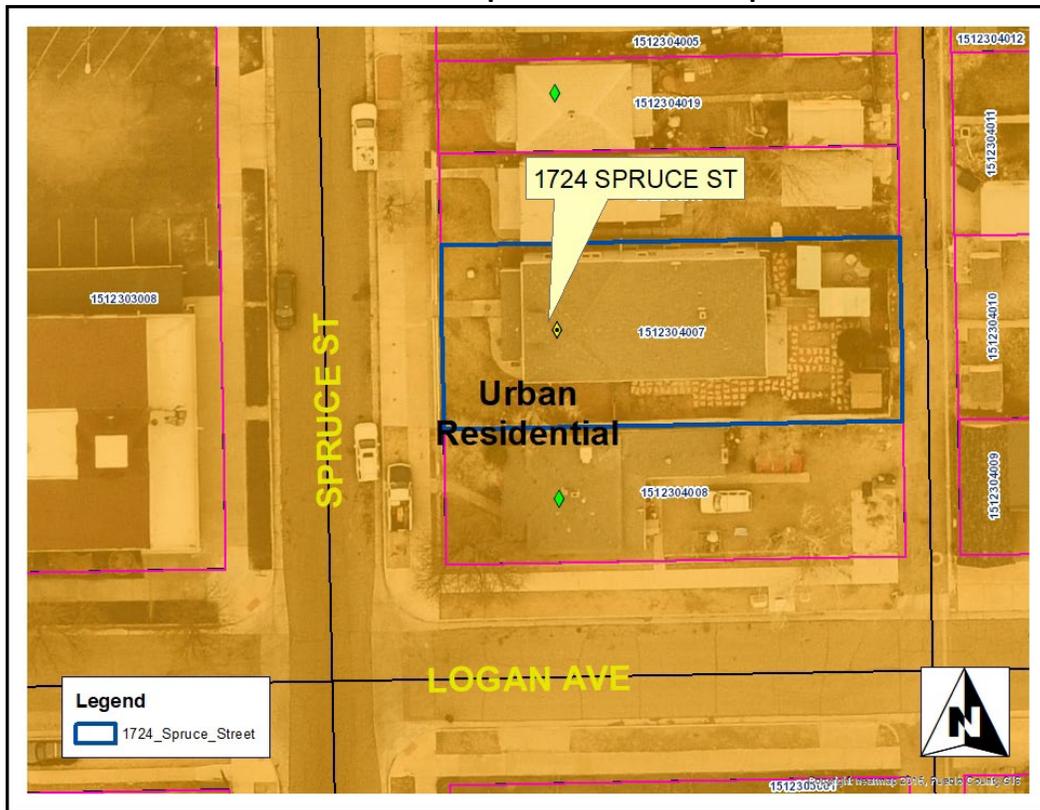


Exhibit F. Public Notice



Exhibit G. Site Photos



H. Application



06/30/2022

22-116

Zoning Board of Appeals - Special Use Permit & Variances

Status: Active

Date Created: Jun 29, 2022

Applicant

Rozelle Cawthorn
rozelle_cawthorn@yahoo.com
25828 E Calhoun Place
Aurora, CO 80016
7203011369

Location

1724 SPRUCE ST
PUEBLO, CO 81004

Owner:

Rozelle Cawthorn
1724 SPRUCE ST Aurora, CO 80016

Internal

ZBA Case Number
ZBA-22-34

Planner Assigned
--

ZBA

Hearing Date
07/26/2022

Hearing Results
--

Board Conditions
--

Appeal Term End Date
--

Permit Completion Date
--

Specially Requested Hearing

Public Notice

Number of Posters
1

Number of Postcards Sent
12

Cost of Newspaper Notice
--

Public Notice Costs
13

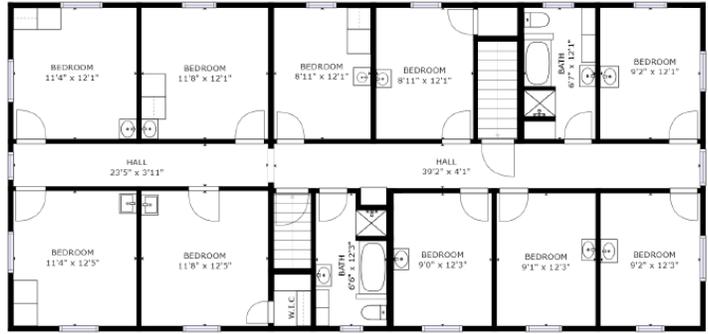
Other Fees:
--

Public Notice costs must be paid by:
--

Public notice zoning poster must be displayed BY:
--

Public Notice zoning poster must be displayed UNTIL:
--

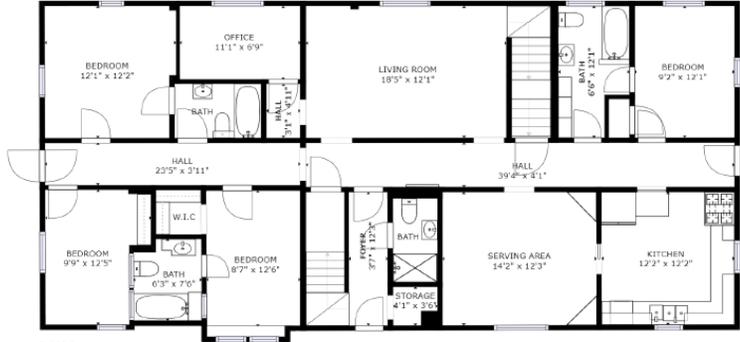
Exhibit I. Supporting Documents



FLOOR 3



FLOOR 1



FLOOR 2

GROSS INTERNAL AREA
FLOOR 1: 1422 sq ft, FLOOR 2: 1863 sq ft
FLOOR 3: 1848 sq ft
TOTAL: 5134 sq ft
SIZES AND DIMENSIONS ARE APPROXIMATE, ACTUAL MAY VARY.

