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Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

ZBA-23-09

Hearing Date: 4/25/2023

TO: City of Pueblo Zoning Board of Appeals
FROM: Bart Mikitowicz, Senior Planner
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 2511 E 4th St, Pueblo, CO 81001
APPLICANT: Matt Welte
PROPERTY OWNER: Brick Solid Investments LLC
YEAR BUILT: 1986
LEGAL DESCRIPTION: N 85 FT OF W 160 FT OF S 225 FT BLK 1 EASTWOOD SUB E POR OF N 120 FT OF S 140 FT
EQUALS 56.6 FT ON S + 120 FT ON N, BLK 1 EASTWOOD SUB
ZONE DISTRICT: Business Park (B-P) Zone District (Pending Rezoning)
PARCEL ID: 433004005
LOT SIZE: 8076

REQUEST:	Variance to reduce the minimum one hundred (100) feet distance between a structure in a Business Park (B-P) Zone District (Pending Rezoning) to a residential zone district
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REQUEST BACKGROUND

The applicant is requesting a variance to reduce the minimum one hundred feet distance between a structure in a Business Park (B-P) Zone District (pending rezoning) to a residential use zone district. The property owner, Brick Solid Investments LLC, is looking to manufacture stone veneer within the existing structure, which is only 66 feet southwest of a residential (R-2) parcel. This parcel was originally developed by Pueblo County and annexed into the city in 1966 as a Regional Business (B-4) district. The existing building on the property was built in 1986, with its initial use being a van customizing business called Compliment Vans and its last use being an automotive repair shop called Donaldson Custom Auto & Cycle. The owner claims that because of this parcel's historic light industrial use and the similar use of the parcel to its direct east, there is precedent for their proposed use of their property, and operations of the new facility would have no negative impact on the residential properties to the northeast.

ANALYSIS

This variance is contingent on the rezoning of this parcel that was recommended for approval by the Planning and Zoning Commission on March 8, 2023. The applicant's parcel meets all parameters for a B-P Zone district including a minimum lot size of 20,000 sqft, lot coverage of less than 50%, and other performance standards. These requirements were addressed within the original proposed rezoning application. The B-4 parcel to its east is occupied by A-1 Towing company, and the other nearby parcels are vacant. The nearest residential parcel is developed with a single-family home and is 66 feet northeast of the corner of the applicant's building. This residential property could be impacted with right-of-way issues on Dry Creek Rd., but this issue is being addressed in a separate case, RPB-22-15.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Single-Family Residential (R-2) Zone District	Vacant Lot
East	Regional Business (B-4) Zone District	A-1 Towing
South	Flood Plain (S-3) Zone District	Flood Plain Arroyo
West	Flood Plain (S-3) Zone District	Flood Plain Arroyo

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. Granting the variance would not reduce light and air in the form of new shaded areas in the properties within 100 feet of the property. The applicant plans to utilize the existing building for the proposed light manufacturing use.

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 would not jeopardize general planning of the city with respect to land use, streets, or highways.

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

Comments: Neutral finding. This region was originally zoned as a B-4 district when it was annexed into the city in 1966, but the property in question has had multiple light industrial uses including a van customization shop and an automotive repair shop, and the property directly to the east is currently being used as a towing yard. The existing structure on the parcel is conducive to light industrial usage.

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: Neutral Finding. The subject property was originally developed as a warehouse/shop for light industrial uses adjacent to residential uses in the Pueblo County. When the property was annexed the subject property and the tow-yard property were zone B-4 for commercial retail and services uses. The existing metal structure at 2511 E. 4th St. is more conducive to house light industrial uses compared to retail or service uses.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board chooses to approve this variance, staff recommends only Standard Permit Conditions 1 through 13 and the following staff recommended conditions:

1. 2511 E. 4th Street and Lot 1 of Eastwood Subdivision Rearrangement of Property Boundaries, RPB-22-15, must adhere to Section 17-4-5, Schedule of District Regulations, (1), a., b., and c.:
 - 17-4-5, (1), a. All portions of the land area of the parcel and the adjacent street rights-of-way and alleys upon which it fronts shall be landscaped, graded, paved, fenced, planted or covered by buildings, so that no dust will blow off the site and no soil or debris will be washed upon the sidewalks, alleys or streets from the parcel in the event of a rainstorm.
 - 17-4-5, (1), b. All outdoor storage areas shall be enclosed by tight fencing, walls or closely planted landscape material, sufficient in height to totally obscure the storage areas as seen from a height of five feet along the property line, and such areas and all others shall be constructed, used and maintained to have an orderly appearance at all times.
 - 17-4-5, (1), c. No sound, smoke, odor, vibration, dust, glare or heat shall be measurable beyond the outer boundaries of the parcel.

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-23-09	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 4/25/2024
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

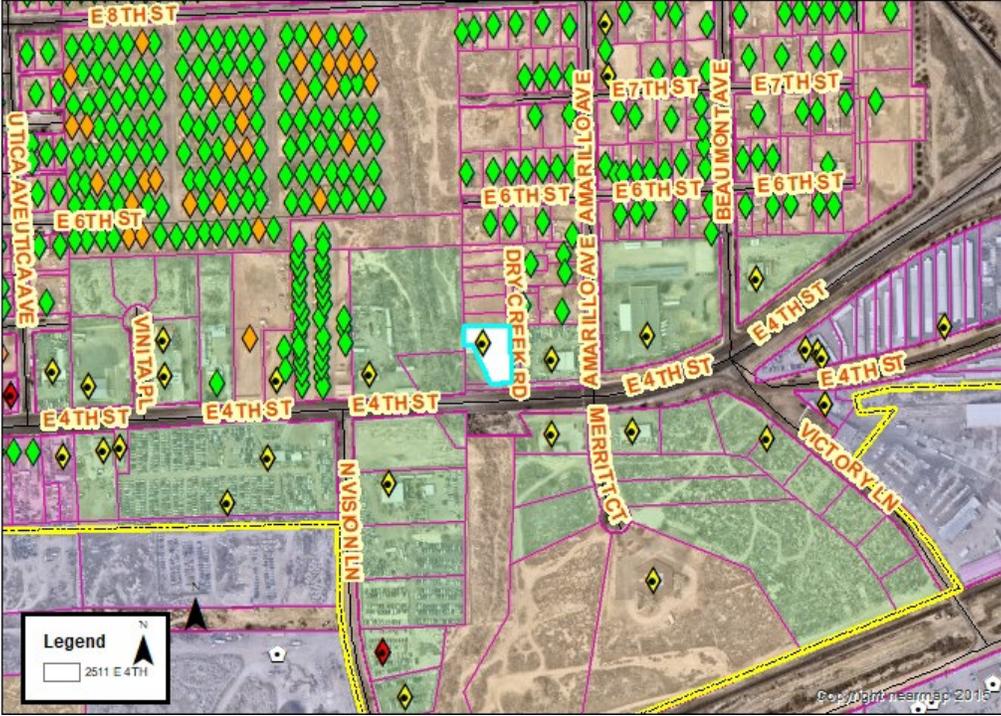


Exhibit C. Aerial Map



Exhibit D. Zoning Map

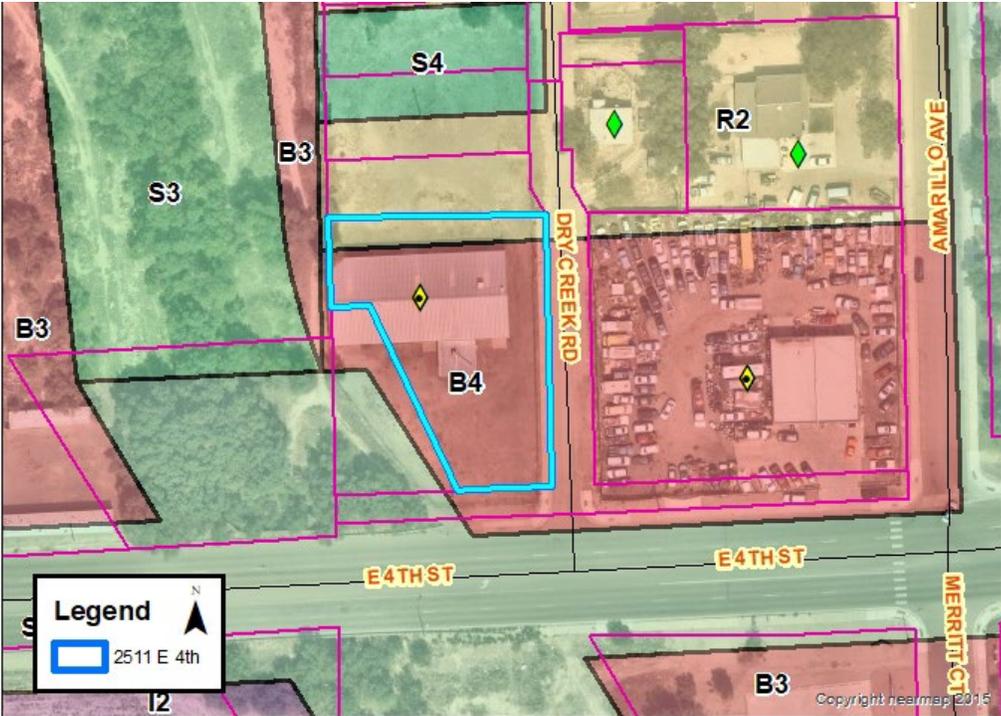


Exhibit E. Comprehensive Plan Map

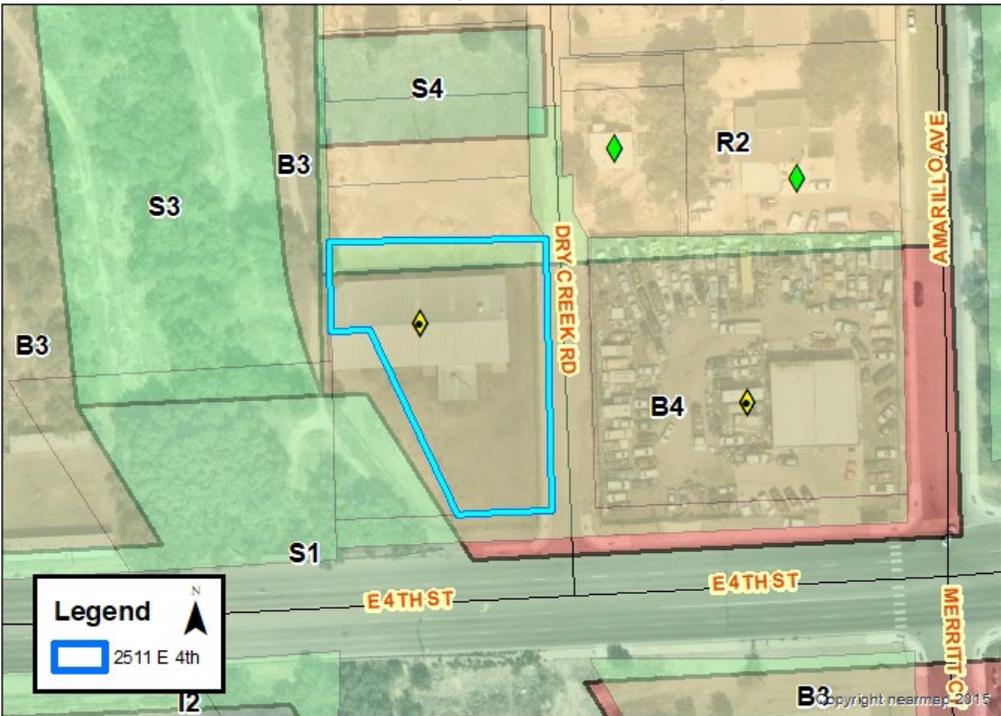


Exhibit F. Public Notice



Exhibit G. Site Photos





H. Application



03/20/2023

23-55

Zoning Board of Appeals - Special Use Permit & Variances

Status: Active

Date Created: Mar 17, 2023

Applicant

Matt Welte
mrwelte@summitbrick.com
601 E 13th Street
Pueblo, CO 81001
7195428278

Primary Location

2511 E 4TH ST
PUEBLO, CO 81001

Owner:

BRICK SOLID INVESTMENTS LLC
601 E 13TH ST PUEBLO , CO 81001-2942

Internal

ZBA Case Number

ZBA-23-09

Planner Assigned

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ZBA

Hearing Date

04/25/2023

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

--

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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Is a 1-year inspection required?

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Scope of Work

Exhibit I. Supporting Documents

