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## ZBA-23-14

**To:** City of Pueblo Zoning Board of Appeals  
**From:** Bart Mikitowicz, Senior Planner  
**Through:** Scott Hobson, Land Use Administrative Official  
**Date:** 4/25/2023  
**Request:** **A Special Use Permit to allow for Residence, one-family in a Sub-regional Business (B-2) Zone District**  
**Site Location:** 2500 Wyoming Ave, Pueblo, CO 81004  
**Legal Description:** **LOTS 1 + 2 BLK 26 EAST LAKE**  
**Year Built:** 1946  
**Applicant:** David Jimenez  
**Property Owner:** Villanueva Ramos Jr.  
**Zone District:** Sub-Regional Business (B-2) Zone District

### REQUEST

The applicant is requesting a Special Use Permit to allow for a single-family residence in a sub-regional business (B-2) zone district. The existing 1,200 sqft structure on the property was built in 1946 and previously used as a neighborhood retail establishment, Chuck’s Grocery and Market, thus the existing B-2 zoning. The parcel is surrounded by single-family residential (R-2) zoning, so the applicant suggests that establishing a single-family home on the parcel would fit the characteristics of the neighborhood. The building is not currently in use and would need improvements, but the applicant has not provided descriptive plans regarding how the structure would be converted to a single-family home and effectively incorporated into the existing community.

### ANALYSIS OF REQUEST

The subject property has been boarded up and has not been in recent use. The applicant’s parcel is a corner lot adjacent to two roadways and a paved public alley. The existing structure is compliant with the B-2 requirements regarding lot size and coverage. The B-2 Zone District requires a 25-foot front-yard setback and a 12.5-foot second front-yard setback; the structure sits approximately 7.5 feet from Wyoming St. and 16.5 ft. from Joliet Ave., which is less than the required setbacks. Because the structure was constructed prior to the current zoning code being adopted, it is considered a legal non-conforming structure. If future property owners propose additions to the structure, a variance would be required prior to a building permit being issued. It appears that most of the site was paved with asphalt, which has fallen into disrepair and no sidewalk exists adjacent to Wyoming St., a large section of sidewalk is missing adjacent to Joliet Ave. The site is surrounded by single-family residential uses; therefore, the proposed single-family residential use is assumed to be compatible with the neighborhood.

### ZONING DISTRICT AND LAND USE

Zone:	Developed with:
North	Single-family homes
Single-Family Residential (R-2) Zone District	

East	Single-Family Residential (R-2) Zone District	Single-family homes
South	Single-Family Residential (R-2) Zone District	Single-family homes
West	Single-Family Residential (R-2) 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 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: Neutral, the property may be accessed directly from Wyoming St. or Joliet Ave.; however, no sidewalk exists adjacent to Wyoming St. and a large section of sidewalk is missing adjacent to Joliet Ave. Staff recommends the Board condition that a new five-foot sidewalk, meeting the provisions of Pueblo Municipal Code, Section 17-4-44, (p), “public sidewalks and improvements” for residential Zone Districts, be constructed adjacent to Wyoming St. running the full width of the property and a five-foot replacement section of sidewalk adjacent to Joliet, if it is determined that the proposed use is compatible with the neighborhood.**

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: Neutral, the property is large enough to accommodate the required one 9 by 18-foot off-street, paved parking space, located outside of the front and side-yard setbacks; however, the proposed site plan does not include the parking space. Staff recommends the Board condition a minimum of one paved parking space that meets the requirements of Pueblo Municipal Code, Section 17-4-42, (a), if it is determined the use is compatible with the neighborhood.**

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

**Comments: Affirmative finding. The applicant intends to use a typical residential trash can and services.**

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

**Comments: Affirmative finding. The applicant attests that utilities are already being serviced to the property.**

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

**Comments: Affirmative finding. The property would be the same as residential properties in the area, it is not necessary to screen or buffer the proposed residential use.**

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 applicant intends to remove nonconforming sign.**

7. Required yards and other open space.

**Comments: Negative finding. The existing structure does not meet the required 25-foot front yard setback and is considered a legal non-conforming structure because it was built in 1946, prior to the 1968 adoption of the current zoning code. No other open space is required.**

8. General compatibility with adjacent properties and other properties in the district.

**Comments: Neutral finding. The proposed use of the structure as a single-family home is generally compatible with neighboring properties, but there is no evidence to support that the modified structure would fit well with other characteristics of the surrounding neighborhood.**

### **PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION**

If the Board chooses to approve this Special Use Permit staff recommends Standard Permit Conditions 1 through 13 and the following staff recommended conditions

1. Provide appropriate landscaping for the entire site. The applicant must provide a detailed landscape plan with the building permit request for staff review and approval. The site must be landscaped according to plan prior to Certificate of Occupancy approval.
2. Construct new five-foot sidewalk, meeting the provisions of Pueblo Municipal Code, Section 17-4-44, (p), "public sidewalks and improvements" for residential Zone Districts, adjacent to Wyoming St. running the full width of the property and a five-foot replacement section of sidewalk adjacent to Joliet.
3. Restore the original storefront windows, the windows must remain the same dimension as the original window opening. Restore the transom windows with the original dimensions to insure visual interest of the structure.

### **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**

<b>Standard Permit Conditions</b> Date of Issuance of Permit: <b>4/25/2023</b>	
1.	<b>Time Limits</b> Zoning permit shall become invalid unless work or action authorized by permit is fully executed by <b>4/25/2024</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. Site Map



Exhibit C. Aerial Map



Exhibit D. Zoning Map



Exhibit E. Comprehensive Plan Map

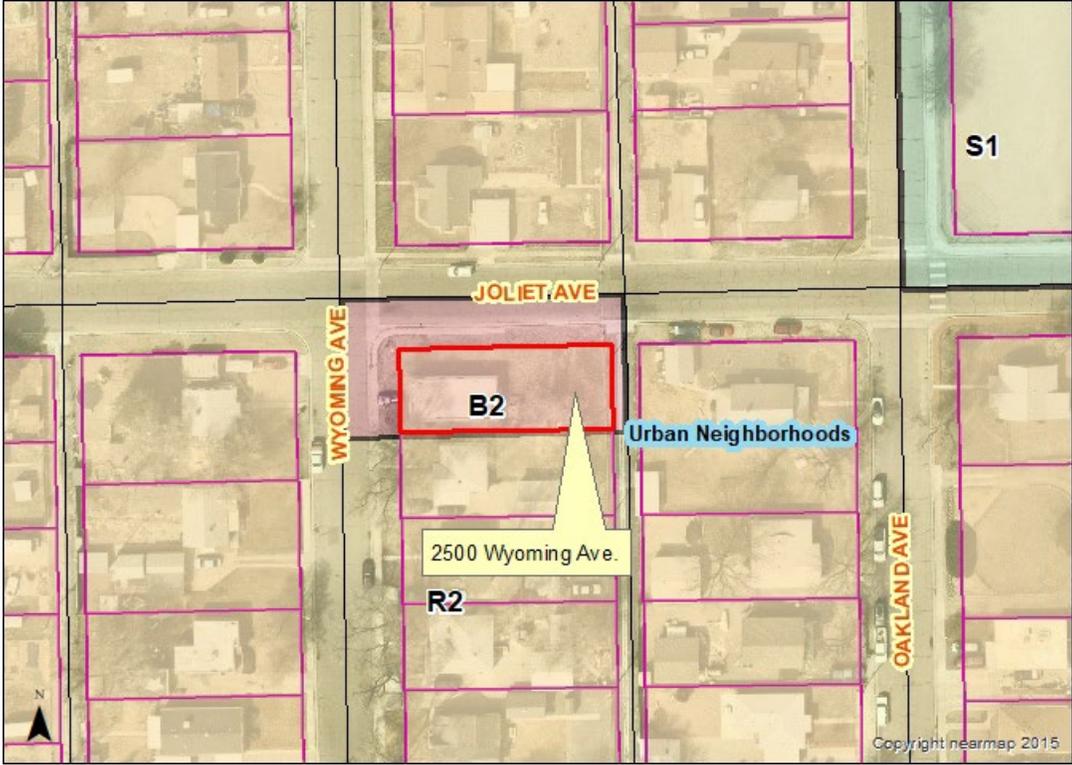


Exhibit F. Public Notice



Exhibit G. Site Photos





# H. Application



04/03/2023

23-66

Zoning Board of Appeals - Special Use Permit & Variances

**Status:** Active

**Date Created:** Apr 3, 2023

**Applicant**

David Jimenez  
david.lorenzo42@yahoo.com  
5425 Schaefer Lane  
Pueblo, CO 81004  
719-822-4855

**Primary Location**

2500 WYOMING AVE  
PUEBLO, CO 81004

**Owner:**

VILLANUEVA RAMOS JR  
606 W 9TH ST PUEBLO , CO 81003-2203

**Internal**

**ZBA Case Number**  
ZBA-23-14

**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**  
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**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:**  
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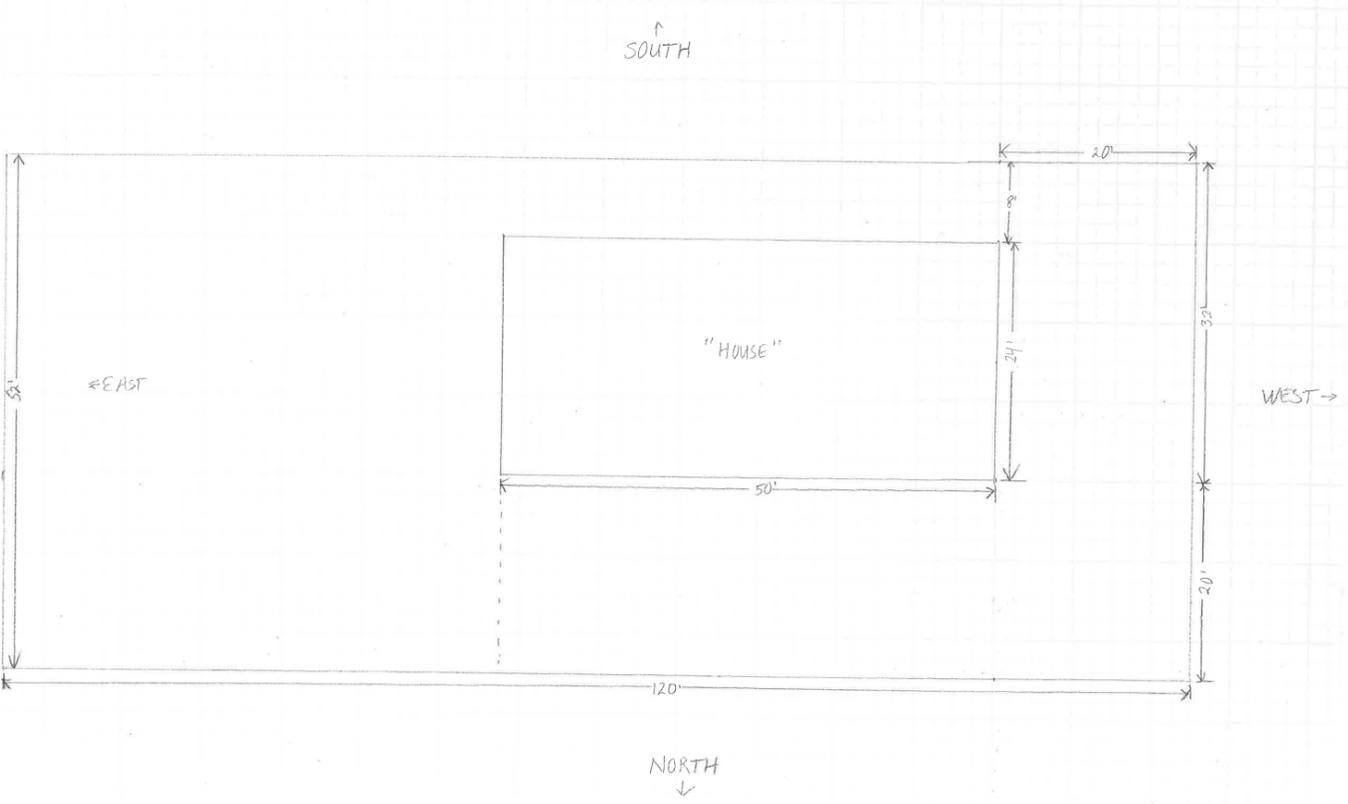
**Public Notice costs must be paid by:**  
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**Public notice zoning poster must be displayed BY:**  
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**Public Notice zoning poster must be displayed UNTIL:**  
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**Is a 1-year inspection required?**  
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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.

<b>Property Owner:</b>			
Name: <u>Ramos <del>RAMOS</del> Villanueva JR.</u>		Company:	
Address: <u>2500 Wyoming</u>			
City: <u>Pueblo</u>	State: <u>CO</u>	Zip: <u>81004</u>	
Phone: <u>(719) 251-2759</u>	Email:		
<b>Applicant:</b>			
Name: <u>Ramos Villanueva JR.</u>		Company:	
Phone: <u>(719) 251-2759</u>	Email:		
Property Address: <u>2500 Wyoming</u>			

I, Ramos Villanueva JR., hereby state that I am the owner of record of the property located at 2500 Wyoming, Pueblo, Colorado, and further acknowledge that by signing this affidavit I authorize the submission of an application for a Special Use Permit at said location.  
(application type)

Ramos Villanueva  
 Signature of Property Owner \_\_\_\_\_ Date \_\_\_\_\_