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Georgia Way

ZBA-23-12

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, two-family (duplex) in a Single Family Residential (R-2) Zone District**
Site Location: **1933 W. 21st St. and 1931 W. 21st St. (526203008)**
Legal Description: **Lots 33 through 36, INC Block 19, Irving Place, 2nd**
Year Built: NA
Applicant: Shawn Shelton
Property Owner: Shawn Shelton
Zone District: Single Family Residential (R-2) Zone District

SYNOPSIS OF REQUEST

The applicant, Mr. Shawn Shelton desires to establish a duplex on 1931 W. 21st Street. A duplex means a residential building designed as a single structure, containing two (2) dwelling units, and designed for occupancy by not more than two (2) families. According to section 17-4-51, (c), a residence, two-family (duplex) is a use by review in a Single-family Residential (R-2) Zone District, therefore the applicant is required a Special Use Permit at this location, before a building permit is approved. The size of the duplex Mr. Shelton would like to construct is 2,128 sq ft. He wants to place the duplex on parcel #526203008 and is 95 ft wide and 120 ft deep. The lot currently has an old shed and an old foundation. Mr. Shelton has said that he will remove the foundation and shed prior to construction of the new dwelling.

ANALYSIS OF REQUEST

1931 W. 21st Street is void of any dwellings and located in the Hyde neighborhood of the 81003-zip code. The lot currently has an old foundation and shed. Clearing the lot and constructing a duplex with covered porches may add aesthetically to the area and provide affordable dwelling units in the area. The lot is large enough to accommodate all required setbacks. There will be off-street parking for both units with a concrete drive connecting the parking area to the street.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Single Family Residential (R-2) Zone District	Single-family residential; undeveloped lots
East	Single Family Residential (R-2) Zone District	Single-family residential; undeveloped lots
South	Single Family Residential (R-2) Zone District	Single-family residential
West	Single Family Residential (R-2) Zone District	Single-family residential

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 LIMITED 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 plan indicates that access will be taken off of W. 21st St. Two concrete driveways will be constructed on either side of the proposed structure.

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, Off-street parking is available on the property and can be accessed from W. 21st Street. The proposed site plan does not indicate that the parking spaces will be paved. Staff recommends that the Board condition two, minimum 9 by 18-foot paved parking spaces, be constructed outside of the front and side-yard setback if the Board determines the use is compatible with the neighborhood.

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

Comments: Affirmative finding. All refuse will be collected and maintained in the residential lot.

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

Comments: Comments: Affirmative finding. Sewer, electrical, and water service are available to the property.

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

Comments: Not applicable. The proposed duplex is located adjacent to single-family residences. Because the proposed duplex has a similar density as the adjacent residential use, staff does not anticipate a need for screening and buffering.

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.

Affirmative Finding. As a duplex, there is no additional signage or lighting anticipated with this permit type.

7. Required yards and other open space.

Comments: Affirmative finding. The applicant must comply with required yards and setback for this site.

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

Comments: Affirmative finding. A duplex is compatible with the Urban Neighborhood future land use designation, which allows 6 to 16 units per acre. for this site.

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 condition:

1. Provide two, paved, off-street parking spaces, located outside of the required front and side yard setbacks, §17-4-42 Off-street parking standards.

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: 4/25/2023	
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. Zoning Map



Exhibit D. Comprehensive Plan Map



Exhibit F. Public Notice



Exhibit G. Site Photos



H. Application



03/29/2023

23-60

Zoning Board of Appeals - Special Use Permit & Variances

Status: Active

Date Created: Mar 29, 2023

Applicant

Shawn Shelton
station_6s@hotmail.com
804 36th Lane
Pueblo, Co 81006
7192528314

Primary Location

Point Location
38.2865, -104.6399

Internal

ZBA Case Number
ZBA-23-12

Planner Assigned
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ZBA

Hearing Date
04/25/2023

Hearing Results
--

Board Conditions
--

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:
--

Is a 1-year inspection required?
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Exhibit I. Supporting Documents

