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Lisa Bailey
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Georgia Way

ZBA-23-19

Hearing Date: 5/23/2023

TO: City of Pueblo Zoning Board of Appeals
FROM: Bart Mikitowicz, Senior Planner
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 158 Harvard Ave, Pueblo, CO 81004
APPLICANT: Robert Smallwood
PROPERTY OWNER: Red Earth Properties LLC
YEAR BUILT: 1900
LEGAL DESCRIPTION: LOT 32 + W 22 FT OF 33 BLK L SOUTH PUEBLO
ZONE DISTRICT: Multiple Residential and Office (R-5) Zone District
PARCEL ID: 536316031
LOT SIZE: 2100

REQUEST:	Variance to reduce the required off-street parking from eight (8) spaces to six (6) spaces in a Multiple Residential and Office (R-5) Zone District
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REQUEST BACKGROUND

The applicant is requesting a Variance to reduce the required off-street parking for a proposed multifamily residential project at 156 Harvard Ave. . The applicant, Mr. Smallwood, is proposing to construct a two-family dwelling unit on a lot that is currently developed with a historic home that has been renovated into four dwelling units, resulting in a total of six dwelling units on one lot. The R-5 Zone allows multifamily residential as a use by right as long as the lot or parcel provides 1,000 square feet per dwelling unit or a total of 8,000 square feet, whichever is greater. The subject property is 14,600 square feet; meeting the 8,000 square foot lot/parcel size requirement. According to section 17-4-42 (b) Each residential structure containing three (3) or more dwelling units hereafter constructed or relocated shall provide on the building site at least one and one-half (1½) accessible and usable off-street parking spaces for each dwelling unit. Requiring six (6) spaces for the four-plex and an additional two (2) spaces for the duplex with a total of eight (8) paved off-street parking spaces on the property. Since the applicant would like to only provide six (6) spaces for the property, a variance to reduce the parking requirement by two (2) spaces is required to construct the duplex as indicated in preliminary plans.

ANALYSIS

The subject property is a fourteen thousand six hundred (14,600) square foot parcel with a two thousand one hundred (2,100) square foot four-plex built in 1900 along the eastern property boundary. The residence is in Lower South Pueblo Subdivision, known locally as The Blocks. The existing four-plex is a two-story beige stucco building with a shingle roof and burgundy awnings. The applicant intends to build a second principal structure (duplex), on the southern portion of the property. Before they can proceed with obtaining a building permit the applicant must address the parking requirements discussed in the paragraph above. According to plans the paved parking area is located adjacent to the existing four-plex in the northern portion of the lot and outside of the required setbacks. The applicant is proposing to use TrueGrid pavers for the parking area, which is a grid that holds gravel in place and provides complete permeability. Scott Hobson, Administrative Official, determined that the proposed pavers meet the code requirements for pavers or equivalent materials, Section 17-4-42, (a) of the Pueblo Municipal Code. The plans indicate that the paved parking area will connect to the street via a gravel driveway. Section 17-4-42, (a), requires all parking spaces to be provided with a “permanent” driveway, “paved

with asphalt concrete, Portland cement concrete, pavers or equivalent material.” Staff suggest that the Board include a condition that the driveway is paved with TrueGrid pavers, concrete, concrete pavers, asphalt or equivalent materials.

According to the applicant, providing the required eight paved parking spaces will eliminate mature landscape areas and reduce the amount of landscaped outdoor space provided to the residents. Delvan Park is located directly north of the subject property and on street parking is allowed adjacent to the park.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Government Use (S-1) Zone District	Delvan Public Park
East	Multiple Residential and Office Zone (R-5) District	Single Family Residence
South	Multiple Residential and Office Zone (R-5) District	Single Family Residence
West	Multiple Residential and Office Zone (R-5) District	Single Family Residence

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.

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: Negative finding. Strict adherence to the code would require eight (8) parking space be installed at the site. There is enough room on the property to provide the required parking.

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: Negative Finding. The subject property was built in 1900, on a uniform rectangular lot in the Blocks neighborhood. The lot has an 80-foot frontage and a 75-foot width at the rear, adjacent to the alley.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

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

1. The driveway must be paved with TrueGrid pavers, concrete, concrete pavers, asphalt, or equivalent materials.
2. If the applicant chooses not to use TrueGrid pavers, the six parking spaces must be paved according to Section 17-4-42, (a) of the Pueblo Municipal Code.

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-23-19	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 5/23/2023
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

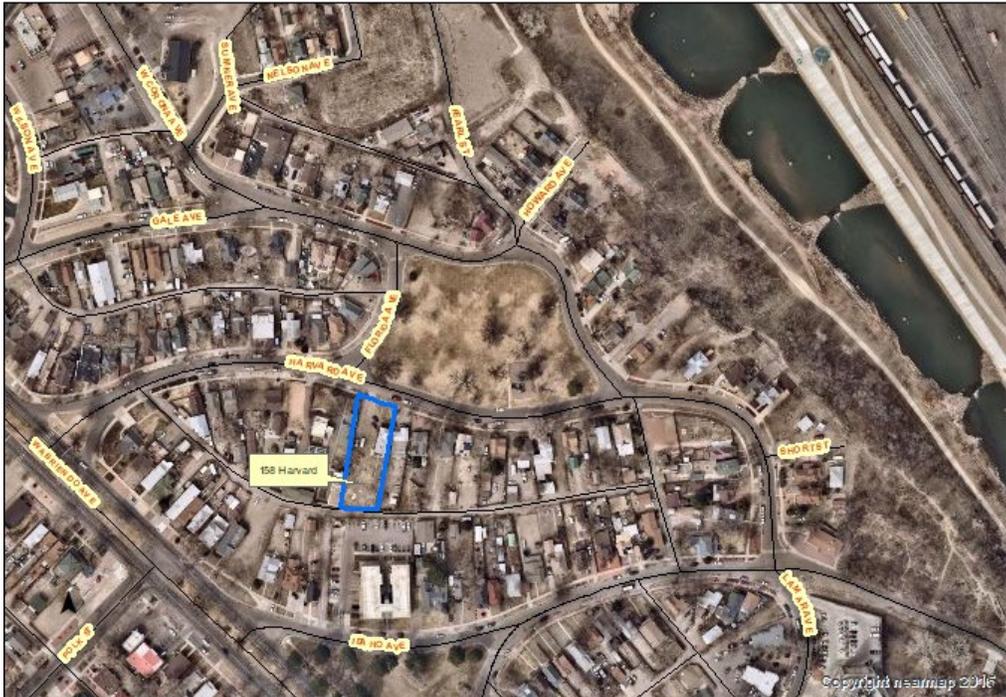


Exhibit D. Zoning Map

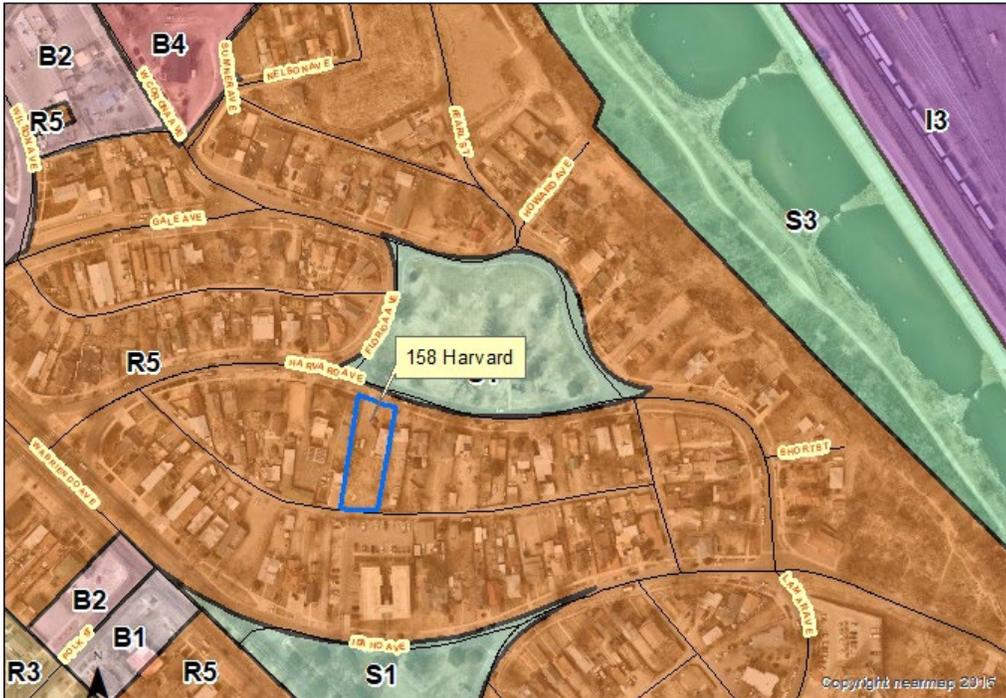


Exhibit E. Comprehensive Plan Map



Exhibit F. Public Notice



Exhibit G. Site Photos





H. Application



05/01/2023

23-85

Zoning Board of Appeals - Special Use Permit & Variances

Status: Active

Date Created: May 1, 2023

Applicant

Robert Smallwood
smallwood9059@msn.com
189 W Sunnyslope Dr
Pueblo West, CO - Colorado 81007
7192403332

Primary Location

158 HARVARD AVE Unit APT 1
Unit APT 1
PUEBLO, CO 81004
Owner:
RED EARTH PROPERTIES LLC
27 DUNSMERE AVE PUEBLO , CO 81004-1058

Internal

ZBA Case Number
ZBA-23-19

Planner Assigned
--

Address Validation by GIS?

ZBA
Hearing Date
05/23/2023

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?

PRODUCTS

PROJECTS

GET AN ESTIMATE

RESOURCES



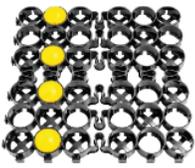
PRO LITE



The Residential Paver

GET AN ESTIMATE

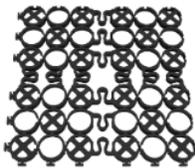
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What if paving could be 100% permeable? Absorb stormwater with zero runoff. Strong for heavy use & loads. No potholes, puddles, cracks. Modular, fast, easy-to-install. Naturally attractive with gravel or grass fill. Sustainable. A natural water filter. Paving that saves land & money vs. concrete. Eliminates detention ponds & flooding. TRUEGRID [permeable pavers](#) are the better paving alternative to concrete and asphalt.