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Georgia Way

ZBA-23-27

Hearing Date: 7/25/2023

TO: City of Pueblo Zoning Board of Appeals
FROM: Bart Mikitowicz
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 2227 N Elizabeth St, Pueblo CO 81003
APPLICANT: Kimberlee Balagat
PROPERTY OWNER: Kimberlee Balagat
YEAR BUILT: 1925
LEGAL DESCRIPTION: N 1/2 LOT 31 ALL 32 DANIELS + OTHERS RESUB
ZONE DISTRICT: Single Family Residential (R-2) Zone District
PARCEL ID: 524435001
LOT SIZE: 1314
CONCURRENT REQUEST: ZBA-23-26

REQUEST: A Variance to reduce the off-street parking, residential requirement from one (1) to zero (0) in a Single Family Residential (R-2) Zone District

BACKGROUND & ANALYSIS OF REQUEST

2227 N Elizabeth St, Pueblo CO 81003 is a 1,314-sf. Single Family Home built in 1925. The applicant is requesting a variance to reduce the off-street parking requirement from one (1) paved parking space outside of the required setbacks to zero (0) in a Single Family Residential (R-2) Zone District. The residence was built in 1925 and does not meet the district standards for setbacks and the lot does not meet the R-2 standards for width; therefore, it is a legal non-conforming structures. A very small, attached garage was constructed with the home, the garage sits adjacent to 23rd Street and is located within the second front yard setback. At some point, the previous owners of the residence converted the attached garage into living space. There is no record of a building permit for the conversion. Creating parking areas in the rear of the property would also prove challenging for the applicant and require both the demolition of an existing accessory structure, and the reconstruction of the fence to allow egress and ingress to the property. The applicant is also requesting a Special Use Permit (SUP) for a home-based business and administration felt that the property should be brought into compliance with the parking code before proceeding with the SUP. Staff has not identified any negative externalities in the granting of this variance.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Single-Family Residential (R-2) Zone District	Single-Family Homes
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 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. A parking variance will not reduce the light and air to the adjacent properties.

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. The parking variance will have no effect on planning the city with respect to land use and 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. Strict adherence to the code would require the applicant to significantly alter the existing detached accessory structure and fencing associated with the subject property.

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. The existing home was built in 1925 and does not meet current lot size and setback standards. If the original attached garage was converted back into a garage, a modern vehicle would not fit into the structure because of its small size.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

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

ATTACHMENTS

- A. Standard Permit Conditions
- B. Aerial Map
- C. Zoning Map
- D. Comprehensive Plan Map
- E. Public Notice Photo
- F. Site Photographs
- G. Application
- H. Supporting documentation.

Exhibit A. Standard Permit Conditions

Standard Permit Conditions Date of Issuance of Permit: ZBA-23-27	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 7/25/2024
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 E. Public Notice



Exhibit F. Site Photos





G. Application



City of Pueblo PLACE

6/14/2023

23-111

Zoning Board of Appeals -
Special Use Permit &
Variances
Status: Active
Submitted On: 6/14/2023

Primary Location
2227 N ELIZABETH ST
PUEBLO, CO 81003
Owner
Kim Balagat
420 S Pin High Dr 420 S Pin
High Dr, 420 S Pin High Dr
Pueblo West, CO 81007

Applicant
 Kim Balagat
 719-582-0959
 balagatkim@gmail.com
 2227 N Elizabeth St.
Pueblo , CO 81003

Internal

ZBA Case Number **Planner Assigned**
ZBA-23-26 -

Address Validation by GIS?

ZBA

Hearing Date **Hearing Results**
07/25/2023 -

Board Conditions

Appeal Term End Date **Permit Completion Date**
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Exhibit I. Supporting Documents

