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ZBA-24-01

To: City of Pueblo Zoning Board of Appeals
From: Jay-Michael Baker, Planner
Through: Scott Hobson, Land Use Administrator
Date: February 27, 2024
Request: Special Use Permit for a residence, multifamily in a Central Business (B-4) Zone District
Site Location: 1835 E 4th St., Pueblo, Colorado 81001
Legal Description: LOTS 39 + 40 BLK 244 EAST PUEBLO HEIGHTS SUB 2ND
Year Built: 1922
Applicant: Omar Maldonado
Property Owner: Jennifer Irene Mejia Esquivel and Daisy Stephanie Mejia
Zone District: Central Business (B-4) Zone District

REQUEST

The applicant is requesting a Special Use Permit to allow for a single-family residence in a central business B-4)) zone district. The existing structure is a 2708 square foot historic structure with an attached commercial. The building would need cosmetic upgrades, but the intent is to return the property to it's previous use as a multifamily residence. After further research, the property was a house with commercial addition that has been utilized as a duplex since at least the early 1960s. Returning the property to a two or three family residential use would fit with the history of the property and would add to the community by providing more affordable rental space.

ANALYSIS OF REQUEST

The property is a corner lot adjacent to two roadways and a paved public alley. The existing structure is compliant with the B-4 requirements regarding lot size and coverage. 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. To the site's north, there are established residential (R-2) properties, and two parcels to the west begins multifamily residential (R-4). The lot directly west appears undeveloped, while the west and east have established business uses. Given that this property is on the edge of the B-4 Zone District adjacent to two residential districts, and there is a precedent of previous use as residential, this property is assumed to be compatible with the neighborhood.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Single-Family Residential (R-2) Zone District	Single-family homes
East	Central Business (B-4) Zone District	Businesses
South	Central Business (B-4) Zone District	Businesses
West	Central Business (B-4) Zone District	Businesses

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: Negative finding. It appears that access to the rear portion of the lot is gained from a curb cut on N. Reading Ave. Two detached accessory structures line the rear portion of the lot, making access difficult. There is no paved parking in the rear, which will have to be provided as a condition.

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: Negative finding. No paved parking is currently provided at the location. Paved off-street parking will have to be provided as a condition.

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

Comments: Affirmative finding. Refuse and service areas will be enhanced by the improvements planned for the property.

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: Neutral finding. No signage exists on the property. The applicant states the new owners intend to conduct a total remodel of the property improving the site's harmony with the greater neighborhood. He states the remodeled property, "would add character to the gentrification of the east side of Pueblo."

7. Required yards and other open space.

Comments: Affirmative finding. The parcel fits the setback requirements of the current zone district.

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

Comments: Affirmative finding. The property would be in harmony with other properties in the 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 four off-street parking spaces and a permanent driveway connecting the parking spaces and N. Reading Ave. The required parking spaces and driveway must be permanent in character and improved with asphalt pavement, concrete cement pavers or equivalent materials as required by Section 17-4-42 of the Pueblo Municipal Code.**
- 2. Existing accessory structures must be painted to match or compliment the principal structure.**
- 3. Replace boarded window facing N. Reading with a window that fits within the original window framing.**
- 4. Repair or replace existing privacy fencing surrounding the entire property to provide a uniform and maintained appearance. Fencing adjacent to E. 4th Street may not be any taller than three-feet.**
- 5. Any other multifamily design standards that I missed.**

ATTACHMENTS

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

Exhibit A. Standard Permit Conditions

Standard Permit Conditions Date of Issuance of Permit: 02/27/2024	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 02/27/2025
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. Aerial Map



Exhibit C. Zoning Map

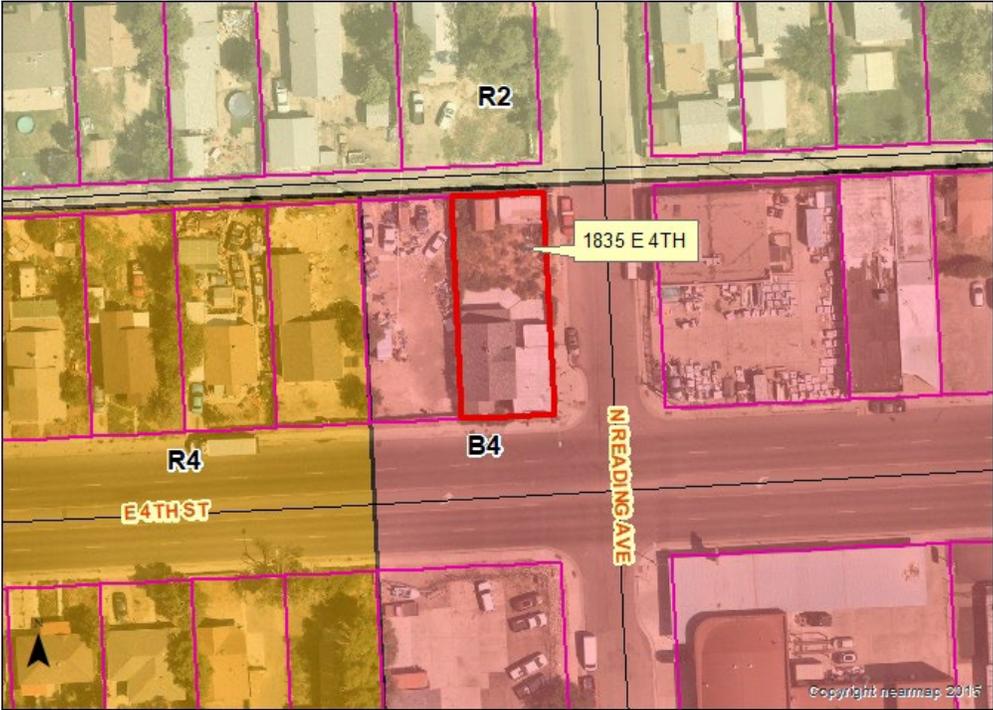


Exhibit D. Comprehensive Plan Map



Exhibit E. Public Notice



Exhibit F. Site Photos



G. Application

1/2/24, 5:18 PM

24-1



City of Pueblo PLACE

1/2/2024

24-1

Zoning Board of Appeals -
Special Use Permit &
Variances

Status: Active
Submitted On: 1/2/2024

Primary Location

1835 E 4TH ST
PUEBLO, CO 81001

Owner

MEJIA DAISY STEPHANIE /
MEJIA ESQU
8191 E 156TH CT THORNTON
, CO 80602-7534

Applicant

Omar Maldonado
 720-788-5316
maldonado.omar.303@gmail.com
 409 Veta Ave
Pueblo, Colorado 81004

Internal

ZBA Case Number

ZBA-24-01

Planner Assigned

-

Address Validation by GIS?

ZBA

Hearing Date

01/23/2024

Hearing Results

-

Board Conditions

Appeal Term End Date

-

Permit Completion Date

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Specially Requested Hearing

