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Chair

Steve Anselmo  
Vice Chair



Lisa Bailey  
Secretary

Yvonne Lujan-Slak

Georgia Way

## ZBA-24-10

Hearing Date: 3/26/2024

**TO:** City of Pueblo Zoning Board of Appeals  
**FROM:** Mikaylin Hackley  
**THROUGH:** Scott Hobson, Land Use Administrative Official  
**LOCATION:** 924 Indiana Ave  
**APPLICANT:** William Lam  
**PROPERTY OWNER:** Matthew Vandal  
**YEAR BUILT:** 1998  
**LEGAL DESCRIPTION:** LOTS 1 TO 4 INC, ALL BLK 3 EASTLAKE  
**ZONE DISTRICT:** Neighborhood Office (O-1) Zone District  
**PARCEL ID:** 1512322001  
**LOT SIZE:** 77750

**REQUEST:** Variance to reduce a front setback from 25 feet to 24.5 feet and a second front setback from 12.5 feet to 11.5 feet in a Neighborhood Office (O-1) Zone District

### DESCRIPTION OF REQUEST

The applicant is requesting a front-yard setback variance from 25 feet to 24.5 feet and a second front setback from 12.5 to 11.5 feet to bring an existing medical office building into compliance with current land use code. This case was brought to the attention of the planning department when the property owners inquired about splitting up three medical office buildings on their property into separate lots that could be sold individually. There is a current land use case in progress, RPB-24-01, to reconfigure the lots this way. The owner has no immediate plans to sell any of the properties but is requesting this variance and lot line rearrangement now as these actions will remain with the properties in perpetuity. The applicant is also working on an access agreement and cross-lot parking agreement that will legally ensure that all three buildings have adequate parking.

### ANALYSIS

The subject property was built after 1968, so it cannot be classified as a legal non-conforming structure. The short setbacks were likely missed at the time of CO issuance, as both the front and second front are close enough to go unnoticed until the owners had an ATLA survey done to facilitate their proposed lot line rearrangement. Staff has no concerns with the granting of this setback variance.

### ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Single-Family Residential (R-1) Zone District	Single-Family Homes
East	One and Two-Family Residential (R-3) Zone District	Two-Family Home
South	Single-Family Residential (R-1) Zone District	Single-Family Homes
West	Single-Family Residential (R-1) 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. The setback discrepancy is minute and does not negatively impact surrounding 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 structure does not impact general land use or transportation.**

3. Strict adherence to this Title would not secure appropriate development of the property for which the variance is requested.

**Comments: Affirmative finding. The property is well-established and cannot be easily modified.**

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 property is well-established and cannot be easily modified.**

**PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION**

If the Board chooses to approve this variance, staff recommends only Standard Permit Conditions 1 through 13.

**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 Documents

**Exhibit A. Standard Permit Conditions**

<b>Standard Permit Conditions</b> Date of Issuance of Permit: <b>3/26/2024</b>	
1.	<b>Time Limits</b> Zoning permit shall become invalid unless work or action authorized by permit is fully executed by <b>3/26/2025</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. Aerial Map



Exhibit C. Zoning Map



Exhibit D. Comprehensive Plan Map



Exhibit E. Public Notice



Exhibit F. Site Photos



**Exhibit G. Application**



City of Pueblo PLACE

2/2/2024

**24-31**  
Zoning Board of Appeals -  
Special Use Permit &  
Variances  
Status: Active  
Submitted On: 2/2/2024

**Primary Location**  
924 INDIANA AVE  
PUEBLO, CO 81004  
**Owner**  
AMP 2 LLC  
5555 DTC PKY STE 272  
GREENWOOD VILLAGE , CO  
80111-3005

**Applicant**  
 William Lam  
 504-338-4444  
 william@wyldnow.com  
 1849 cody st  
Lakewood, CO 80215

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**Internal**

**ZBA Case Number**

ZBA-24-10

**Planner Assigned**

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H. Supporting Documents



Property Owner Affidavit

Please type or print clearly. Illegible applications will not be accepted.

<b>Property Owner:</b>			
Name: Matthew Vandal		Company: AMP 2 LLC	
Address: 5555 DTC Pkwy STE 272			
City: Greenwood Village		State: Colorado	Zip: 80111
Phone: 303.906.2873	Email: mvandal@doublebaypartners.com		
<b>Applicant:</b>			
Name: William Lam		Company: WYLD Now	
Phone: 504-338-4444	Email: William@wyldnow.com		
Property Address: 924 Indiana Ave, Pueblo, CO 81004			

I, Matthew Vandal, hereby state that I am the owner of record of the property located at 924 Indiana Ave, Pueblo, CO 81004, Pueblo, Colorado, and further acknowledge that by signing this affidavit I authorize the submission of an application for a setback variance at said location.  
(application type)

  
 \_\_\_\_\_  
 Signature of Property Owner 01/22/2024  
Date

City of Pueblo  
Planning & Community Development  
211 East D Street  
Pueblo, Colorado, 81003  
January 18, 2024



**Written Explanation for Setback Variance Request**

The purpose of this letter is to outline our request for a setback variance for the existing structures at 924 Indiana Ave, Pueblo, CO 82004. We are in the process of a subdividing the lot via a parcel boundary rearrangement as shown below. Per the request from the City during our pre-application meeting we are endeavoring to bring the property into conformance since two areas are currently non-conforming setbacks. It is our understanding that the setback along Indiana is required to be 25 ft vs the 24.5 ft shown below. The setback at Oakland St is required to be 12.5 ft vs the 11.6 ft shown below. See green boxed areas below.

Thank you for your consideration.  
**William Lam**  
**WYLD Now LLC**  
Owner  
504-338-4444

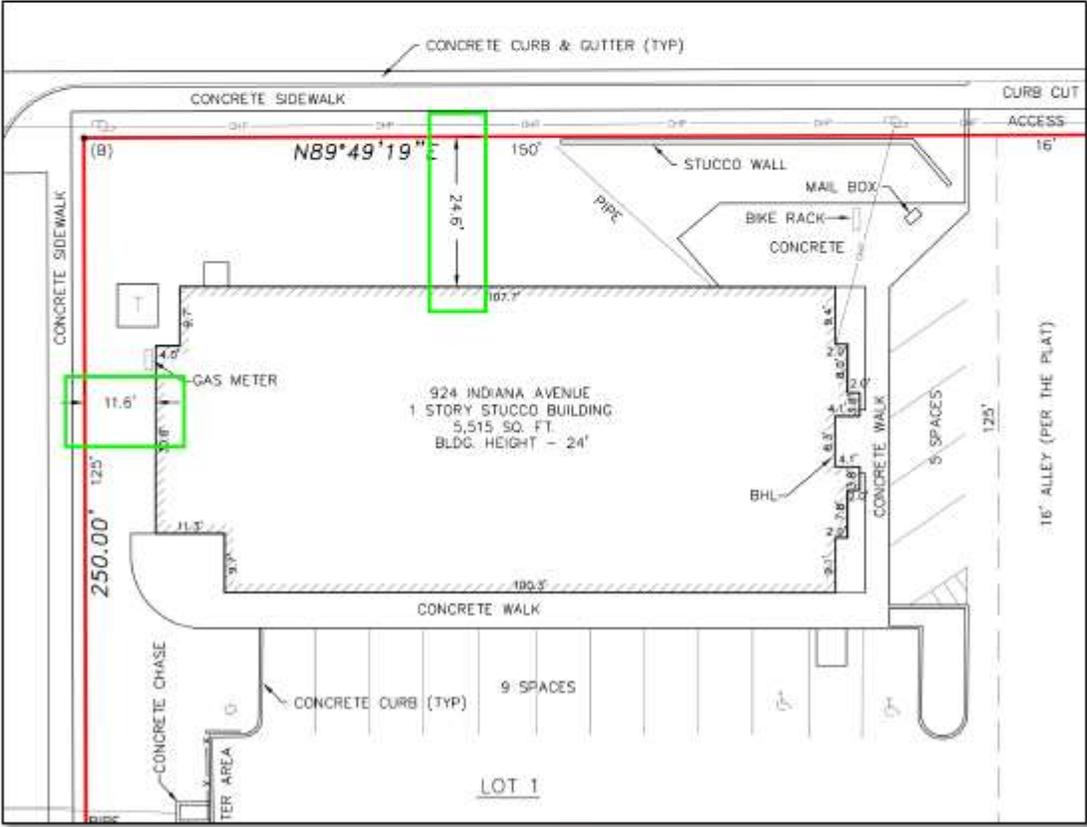


Figure 1: Non-Conforming Setbacks

**A.L.T.A./N.S.P.S. LAND TITLE SURVEY**  
 A PORTION OF THE SW 1/4 OF SECTION 12, TOWNSHIP 21 SOUTH,  
 RANGE 65 WEST OF THE 6TH P.M. COUNTY OF  
 PUEBLO, STATE OF COLORADO  
 924 INDIANA AVENUE, PUEBLO, CO 81004

**LEGAL DESCRIPTION:**  
 (PER THE TITLE COMMITMENT)

LOTS 1 THROUGH 4, INCLUSIVE, BLOCK 3,  
 EASTLAKE,  
 COUNTY OF PUEBLO,  
 STATE OF COLORADO.

**SCHEDULE B-SECTION 2 TITLE EXCEPTION COMMENTS:**

10. CERTIFICATE OF ZONING COMPLIANCE RECORDED MAY 5, 1988 IN BOOK 2396 AT PAGE 260.
11. ORDER APPROVING THE AMENDED OFFICIAL PLAN FOR THE PUEBLO CONSERVANCY DISTRICT, RECORDED AUGUST 1, 2007 AT RECEPTION NO. 1736292.

**GENERAL NOTES:**

1. NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATE SHOWN HEREON.
2. THIS A.L.T.A./N.S.P.S. LAND TITLE SURVEY, AND THE INFORMATION HEREON, MAY NOT BE USED FOR ANY ADDITIONAL OR EXTENDED PURPOSES BEYOND THAT FOR WHICH IT WAS INTENDED AND MAY NOT BE USED BY ANY PARTIES OTHER THAN THOSE TO WHICH IT IS CERTIFIED.
3. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY RUBINO SURVEYING TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD, RIGHT OF WAY OR TITLE OF RECORD. RUBINO SURVEYING RELIED UPON STEWART TITLE GUARANTY COMPANY, COMMITMENT NO. 22000310805, EFFECTIVE DECEMBER 20, 2022. THE PROPERTY SHOWN AND DESCRIBED HEREON IS ALL OF THE PROPERTY DESCRIBED IN SAID TITLE COMMITMENT.
4. THE BEARINGS ARE BASED ON THE EAST LINE OF BLOCK 7 ASSUMED TO BEAR N00°09'21"W BETWEEN MONUMENTS FOUND AND DESCRIBED HEREON.
5. SUBSURFACE BUILDINGS, IMPROVEMENTS OR STRUCTURES ARE NOT NECESSARILY SHOWN HEREON.
6. THIS SURVEY IS VALID ONLY IF PRINT HAS SEAL AND SIGNATURE OF SURVEYOR.
7. ONLY SURFACE EVIDENCE OF UTILITIES VISIBLE AT THE TIME OF THE FIELDWORK ARE SHOWN HEREON. ALL UNDERGROUND UTILITIES MUST BE FIELD LOCATED BY THE APPROPRIATE AGENCY OR UTILITY COMPANY PRIOR TO ANY EXCAVATION, PURSUANT TO C.R.S. SEC. 9-1.5-103.
8. THE DISTANCE MEASUREMENTS SHOWN HEREON ARE THE U.S. SURVEY FOOT.
9. THERE WAS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION, BUILDING ADDITIONS, RECENT STREET OR SIDEWALK CONSTRUCTION REPAIRS ON SUBJECT PROPERTY AT THE TIME OF THE FIELD SURVEY.
10. PER FEMA'S FIRM MAP NO. 08101C0726D DATED 8/15/2019, THE SUBJECT PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA.
11. SUBJECT PROPERTY CONTAINS 79,000 SQ. FT./ 1.8136 ACRES (WHICH INCLUDES THE ALLEY).
12. SUBJECT PROPERTY CONTAINS 74 REGULAR PARKING SPACES AND 7 HANDICAP SPACE FOR A TOTAL OF 81 PAINTED PARKING SPACES.

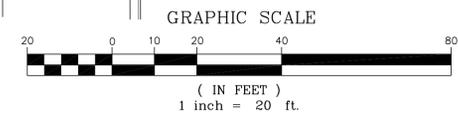
**SURVEYOR'S CERTIFICATE:**

TO:  
 BANK OF THE SAN JUANS;  
 ARC INVESTMENTS LLC, A COLORADO LIMITED LIABILITY COMPANY;  
 STEWART TITLE GUARANTY COMPANY;  
 THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 7(a) 8, 9, 11(a), 13, 16, 17, 18, AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON 2/07/2023.

PURSUANT TO COLORADO STATE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS RULE 6.2.2 THE UNDERSIGNED FURTHER CERTIFIES THAT THIS MAP OR PLAT WAS PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE, IS ACCURATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, IS IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE AND IS NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

ROBERT J. RUBINO, PLS 14142

- LEGEND**
- PROPERTY LINE
  - - - LOT LINE
  - BUILDING HEIGHT LOCATION
  - LIGHT POLE
  - x- WOOD FENCE
  - ⊠ A/C UNIT
  - ⊞ ELECTRIC TRANSFORMER
  - - - OVERHEAD UTILITY LINES
  - (A) SET NAIL/TAG PLS 14142
  - (B) SET PIN/CAP PLS 14142



prepared by:  
 RUBINO SURVEYING  
 3312 AIRPORT ROAD  
 BOULDER, COLORADO 80301  
 (303) 464-9515

REVISIONS	
DRAWING NO: 23113ALTA.DWG	SHEET 1 OF 1
DATE OF SURVEY: 2/07/23	DATE OF DRAWING: 2/10/23
DRAWN BY: BR	PROJECT NO: 23113

