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ZBA-24-23

To: City of Pueblo Zoning Board of Appeals
From: Jay-Michael Baker, Planner
Through: Scott Hobson, Land Use Administrative Officer
Date: 4/23/2024
Request: Variance to allow off-street parking within the front yard setback in a Mixed Residential (R-4) Zone District.
Site Location: 1403, 1405 and 1407 Anita St, Pueblo, CO 81001
Legal Description: LOT 2 BLK 2 BIBY SUBDIVISION FORMERLY #04-292-04-009; LOT 3 BLK 2 BIBY SUBDIVISION FORMERLY #04-292-04-009
Year Built: NA
Applicant: Vincent Hall
Property Owner: RTJ Properties of Pueblo, LLC
Zone District: Mixed Use (R-4) Residential District

BACKGROUND AND ANALYSIS

The applicant is requesting a variance to allow off-street parking within the front yard setback. Mixed Residential (R-4) Zone District holds to the residential off street parking standards found in section 17-4-42(a) of the City of Pueblo Municipal Code. The code reads, "each single-family home or two-family dwelling constructed or relocated after the effective date of the ordinance from which this provision is derived shall provide on the building site at least one (1) accessible and usable off-street parking space for each dwelling unit." It goes on to state, "no portion of the building site which is required for front, or side yard setbacks shall be used as a part of the required off-street parking spaces."

In a Mixed Use (R-4) Residential District, the minimum front yard setback is twenty-five (25) feet. The north side of Anita Street has been developed with six duplexes, in 1994, all of which accommodate off-street parking in the front setback. There isn't a record of the neighboring property receiving variances to allow parking the front yard setback, or a Special Area Plan that would allow "unique development." The north side lots platted in the Biby Subdivision have an irregular slant at the rear property line, which results in shallow lots constituting a hardship for development.

The applicant is requesting to place a single-family manufactured home on the parcel addressed 1407 Anita St. and a duplex manufactured home on the parcel addressed 1403 and 1405 Anita St. The manufactured home at 1407 Anita St. is 48-feet wide, which allows for the minimum side setbacks but no room for paved parking along the side of the home. 1401 Anita St. is a doctor's office, which constructed their drive cut and driveway on the 1403 and 1405 Anita St. property, creating a hardship by limiting the development potential of the western portion of the parcel. There is no alley, so rear-yard parking is not possible. The two subject parcels (1403-1407 Anita) are the two remaining infill lots on the block, to push the units further back on the lot would result in shortened back yards, expansive front yards and elongated driveways. The homes would appear irregular next to the established properties on the block. The applicant notes that moving the homes further back on the lot would not only change the uniformity of the neighborhood, but it would significantly increase concrete costs.

After our review, staff does not feel that the light and air will be reduced on adjacent properties. Allowing for two (2) off-street parking spots within the front setback does not negatively impact the public right-of-way. The overall planning of the city will not be negatively affected by the approval of this variance.

The applicant stated that the property owners of both 1401 and 1403-1405 Anita Street have agreed to allow for the continued use of the western portion of 1403-1405's lot as a driveway for 1401 Anita; the subject property owner is willing to provide an easement to 1401 Anita St. Additionally, a privacy fence, along the unpaved portion of 1403-1405, will be constructed to provide a buffer between the commercial and residential property.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Single Family (R-1) Residential	Developed housing
East	Mixed Residential (R-4) District	Developed housing, duplex
South	Sub-Regional (B-2) Business District	Developed commercial
West	Mixed Residential (R-4) District	Developed housing

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. 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. This variance will allow for conformity between these two parcels and the rest of the developed block.

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 will 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: Affirmative finding. The improved drive cut and driveway for 1401 Anita St. prevents the property owner from utilizing the western 12-feet of 1403-1405 Anita St. for development and parking. The lot depth for 1407 Anita Street is approximately 89 feet along the western property line and 87 feet along the eastern property line, resulting in an irregular shaped lot with a shallow lot depth (residential lots are generally 100-120 feet deep) making residential development challenging.

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 drive cut and driveway for 1401 Anita Street takes up 12-feet of the western portion of the 1403-1407 Anita parcel and the 1407 Anita Street has an irregularly slanted rear-property line and a shallow depth.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

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

1. If the property owner of 1403-1405 Anita Street grants an easement to the property owner of 1401 Anita for the developed driveway, a 5-6-foot-tall opaque fence must be constructed along the entire length of the western portion of the unpaved parcel. The fence may graduate to a lower height as it approaches Anita Street.

ATTACHMENTS

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

Exhibit A. Standard Permit Conditions

Standard Permit Conditions Date of Issuance of Permit: 04/23/2024	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 03/26/2025
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. Zoning Map

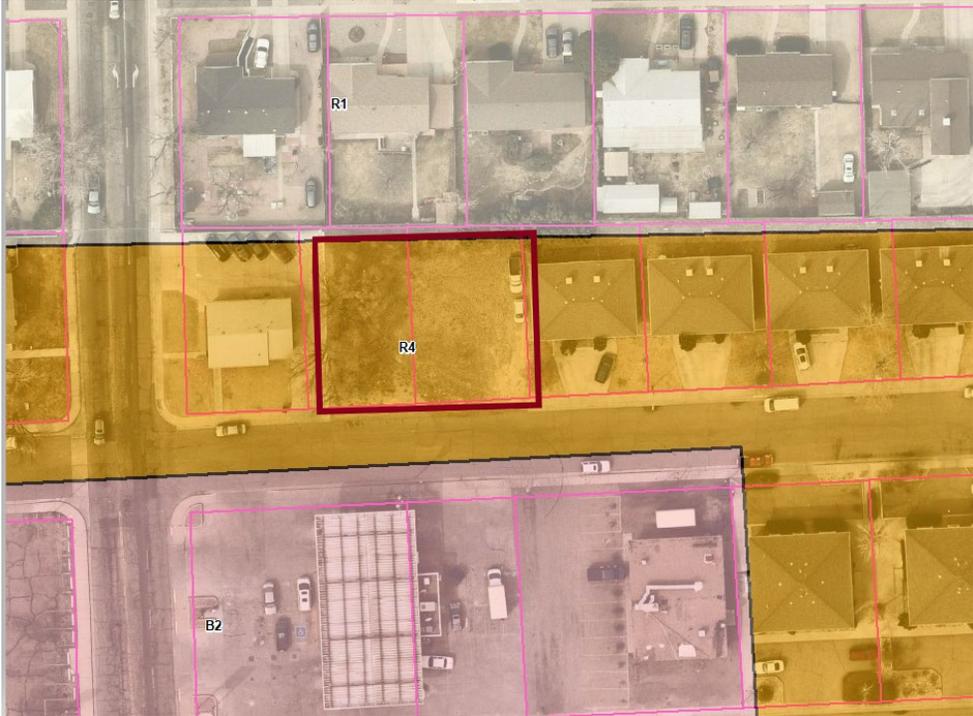


Exhibit C. Comprehensive Plan Map



Exhibit D. Public Notice



Both parcels were properly noticed.

Exhibit E. Site Photos





F. Application

3/29/24, 10:22 AM

24-61



City of Pueblo PLACE

3/29/2024

24-61

Zoning Board of Appeals -
Special Use Permit &
Variances
Status: Active
Submitted On: 3/29/2024

Primary Location

1403 ANITA ST
PUEBLO, CO 81001

Owner

R T J PROPERTIES OF
PUEBLO LLC
18 SAN MARINO CT PUEBLO ,
CO 81005-3905

Applicant

Vincent Hall
 719-545-4266
vincent.hall@claytonhomes.com
 3912 North Freeway Road
Pueblo, Colorado 81008

Internal

ZBA Case Number

ZBA-24-23

Planner Assigned

-

Address Validation by GIS?

ZBA

Hearing Date

04/23/2024

Hearing Results

-

Board Conditions

Appeal Term End Date

-

Permit Completion Date

-

G. Site Plans

Parcel #
429204010
Legal: Lot 2,
Block 3, Bibx Sub

1403+1405 Anita Street
Pueblo CO 81001

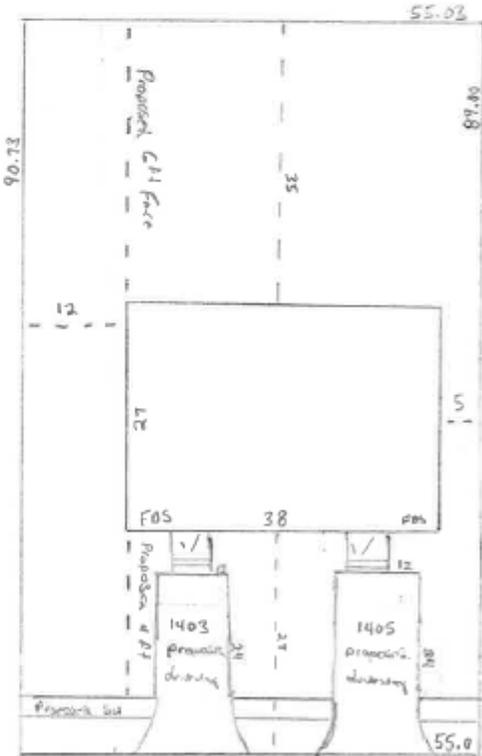
Plot plan Duplex
Prepared by Vincent Hall
719-545-4266

Lot 2
10 ft
1/2 inch
↑
N

R-4 Zone

Notable Dimensions
Front setback - 27
East setback - 5
West setback - 12
Rear setback - 35

Duplex is 27x38
units to street face



Anita Street

Site Plan for 1403 Anita



Elevations for 1403 Anita



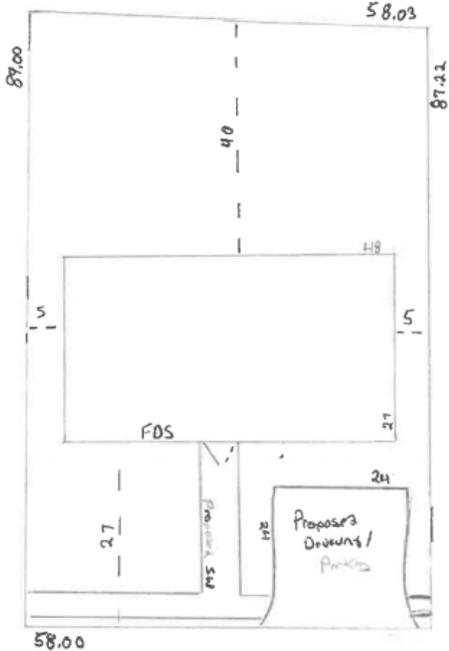
Elevations for 1407 Anita

Parcel #
429204009

TBD Anita Street
Pueblo CO 81001

Legal: Lot 3, Block 2
Bldg Subdivision

Lot 3
10ft
↑
N



Site Plan for 1407 Anita