

ZBA-24-25

To: City of Pueblo Zoning Board of Appeals
From: Mikaylin Hackley
Through: Scott Hobson, Land Use Administrative Official
Date: 4/23/2024
Request: **A Special Use Permit to allow for a Residence, multifamily in a Central Business (B-4) Zone District**
Site Location: 817 E B St.
Legal Description: **LOT 12 BLK 16 COUNTY ADD**
Year Built: 1924
Applicant: Jerry Minney
Property Owner: B STREET APTS LLC
Zone District: Central Business (B-4) Zone District
Parcel Number 1501138006

BACKGROUND

The subject property is a two-story, 1100 square foot structure originally built in 1924 and has been configured as a duplex since at least 1960. The duplex use would not typically be allowed in a B-4 district, but this property qualifies as an established residence, so the duplex use has been grandfathered in. Now, the applicant is looking to convert the property into a multifamily use with four units, which is not covered by the established residence definition, and is therefore requesting this Special Use permit.

The Zoning Board of Appeals conducted a hearing on this request in July of 2020 under case number ZBA-20-13. At that time, the Board granting conditional approval of the four-plex use provided that the applicant 1) obtain an ingress/egress easement through the city-owned parcel to the southwest of the subject property to allow access to the rear portion of the property for parking, 2) obtain an ingress/egress easement along the southwest side of the adjacent property (819 & 821 E. B St. and/or 813 E. B St.) to connect to a designated right of way, and 3) have a parking plan and a refuse plan approved by city staff prior to issuance of a building permit. The applicant could not meet these conditions within 12 months of the hearing, so the original Permit lapsed in July of 2021. Now, the applicant has obtained the access easement conditioned by the Board (See Exhibit I) and has submitted this application for reconsideration.

REQUEST AND ANALYSIS

Staff affirms the findings of fact and conditions from ZBA-20-13. The access easement addresses ingress/egress concerns, but staff findings regarding refuse service and lot size from the previous SUP request are still present and outlined in the findings of fact.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Mixed Residential (R-4) Zone District	Mt. Carmel Church
East	Central Business (B-4) Zone District	Two-family home
South	Mixed Residential (R-4) Zone District	Single-family home
West	Mixed Residential (R-4) Zone District	Single-family home

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. 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: Affirmative finding. The applicant has obtained the access easements outlined in the original Special Use Permit conditions.

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: Affirmative finding. There are four parking spaces to the west of the structure. The access easement will allow tenants to reach the two-car garage located behind the house.

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

Comments: Neutral finding. The applicant’s original SUP application stated that they intend to place refuse containers on the west side of the building, which could cut down on space for parking. The new application did not specify any changes to this plan.

4. Utilities, with reference to the location's availability and compatibility.

Comments: Affirmative finding. City water, sanitary sewer, electric, and gas services are all currently in place on the property.

5. Screening and buffering with reference to type, dimensions, and character.

Comments: Affirmative finding. Screening and buffering are not required because it is adjacent to other residential properties.

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: Affirmative Finding. There are no proposed signs for the property and outdoor lighting will consist of typical residential porch lighting.

7. Required yards and other open space.

Comments: Neutral finding. There are no yards or open space requirements in a B-4 District, but similar multifamily development in other residential districts would call for 1500 square foot of lot area for each dwelling unit (totaling 6000 square feet for a four-plex), and this lot is approximately 5700 square feet.

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

Comments: Neutral finding. There are other residential uses in the immediate area, but the proposed density of this project is higher than surrounding properties.

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:

1. The applicant should provide a refuse plan to be approved by city staff prior to issuance of a building permit.

ATTACHMENTS

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

Exhibit A. Standard Permit Conditions

Standard Permit Conditions Date of Issuance of Permit: 4/23/2024	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 4/23/2025
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. Site Map

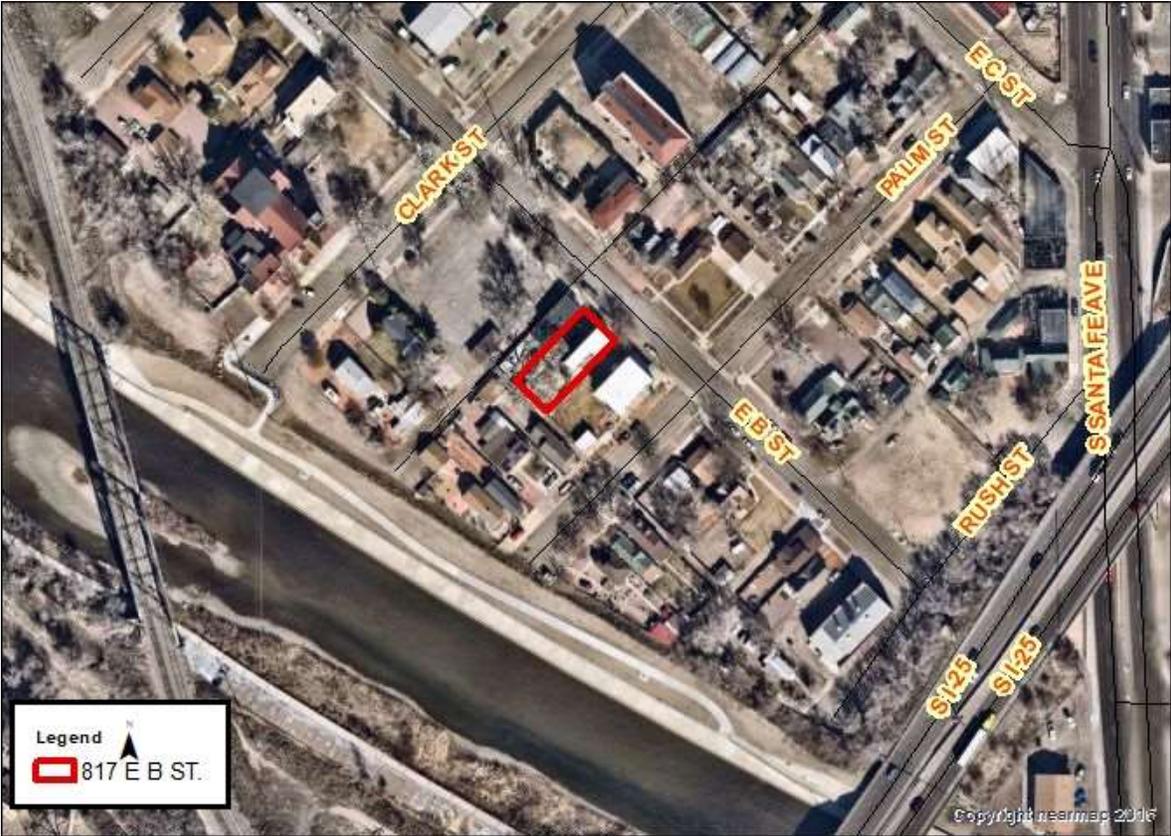


Exhibit D. Zoning Map



Exhibit E. Comprehensive Plan Map



Exhibit F. Public Notice



Exhibit G. Site Photos



Exhibit H. Application



City of Pueblo PLACE

4/1/2024

24-63

Zoning Board of Appeals -
Special Use Permit &
Variances

Status: Active

Submitted On: 3/31/2024

Primary Location

817 E B ST
PUEBLO, CO 81003

Owner

Jerrold Minney
S Tejon St 102 S Tejon St.
Colorado Springs, CO 80903

Applicant

Jerry Minney
 303-356-6318
jerry@eaglespointinvestments.com
 102 Tejon St.
Ste 1100
Colorado Springs, CO
80903

Internal

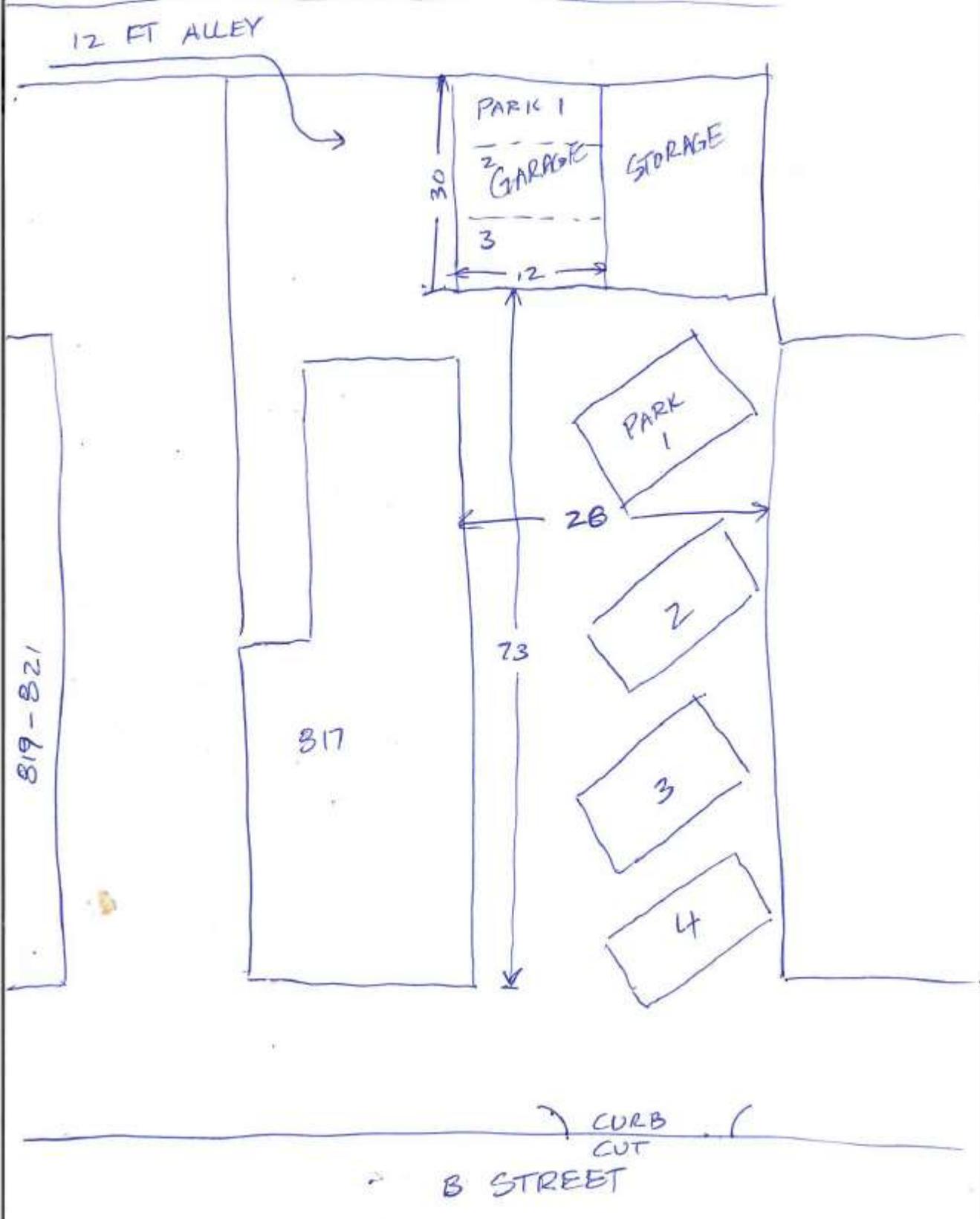
ZBA Case Number

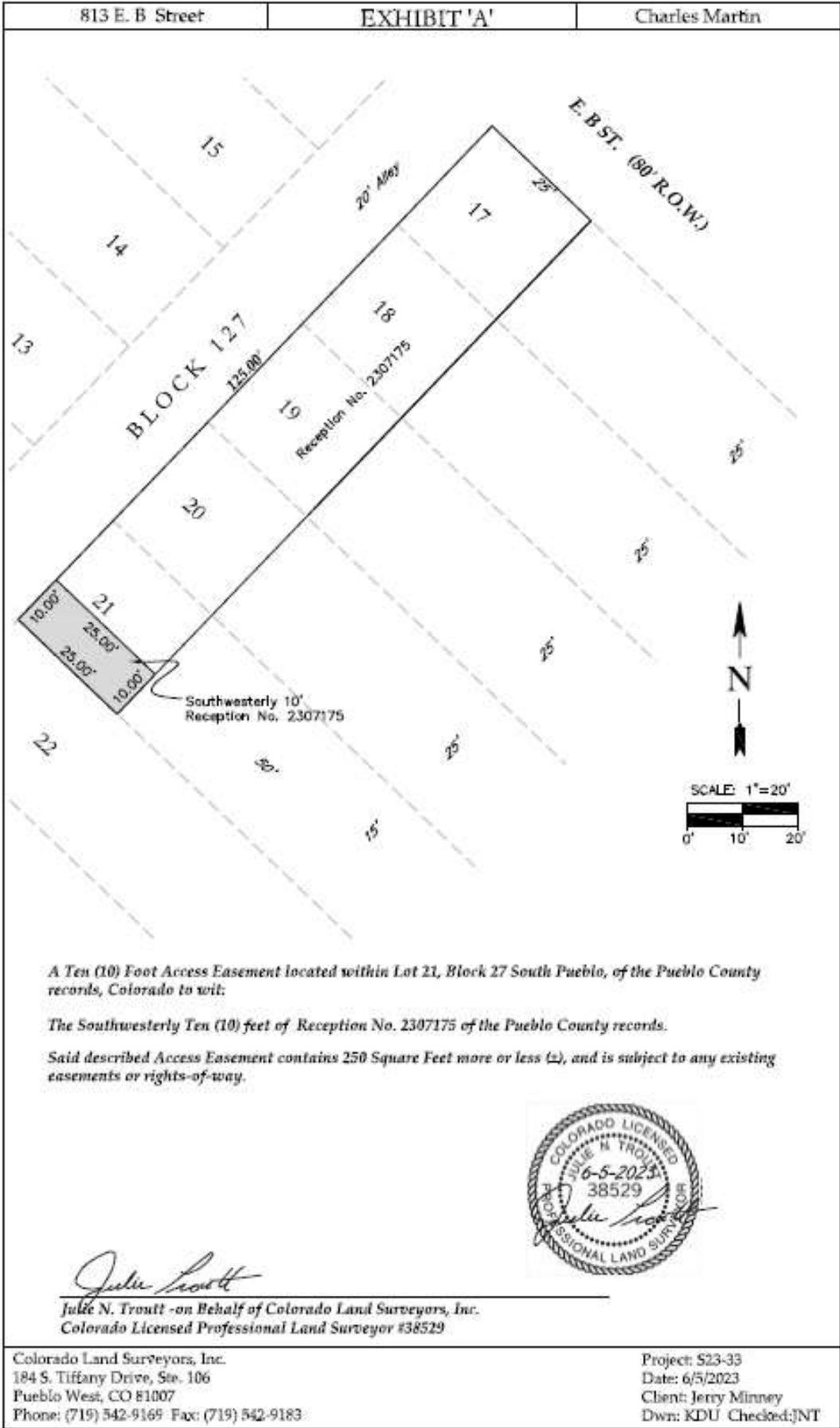
ZBA-24-25

Planner Assigned

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Exhibit I. Supporting Documents





Yvonne Lujan-Slak
Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Mike Castellucci

Sarah French

ZBA Case Number ZBA-20-13
Application Date 5/12/2020

Hearing Date 7/28/2020
Appeal Term End Date 8/28/2020
Renewal Term End Date 7/28/2021

Property Street		Zone	
Address	817 E. B St. Pueblo, CO 81003	District	Central Business (B-4 Zone) District
Legal Description	SE 50 FT OF NW 75 FT OF LOTS 17 TO 21 LESS SW 10 FT OF SE 50 FT OF NW 75 FT OF LOT 21 BLK 127 SOUTH PUEBLO		

Owner	Jerry Minney
Address	B Street 817 LLC
Telephone	6834 S University Blvd 236, Centennial CO 80122
E-mail	303-356-6318
	jerry@eaglespointinvestments.com

Project Description: Special Use Permit to allow a four-plex in a Central Business (B-4 Zone) District

Scott Hobson
Administrative Official

Decision Date: 7/28/2020

- Approved
- Approved with Attached Conditions
- Denied

Your application to the City of Pueblo Zoning Board of Appeals has been **CONDITIONALLY APPROVED**. To maintain your permit in good standing, the Planning and Community Development Department requires proof of compliance with the conditions imposed. An annual renewal of a Special Use Permit must be approved by the Administrative Official within one year of the hearing date.

If you wish to appeal this decision, you may seek review by a court of record of such decision in a manner provided by Rule 106 of the Colorado Rules of Civil Procedure. The appeal must be sought within 30 days after the decision of the Zoning Board of Appeals.

Request for Compliance by Zoning Board of Appeals

Failure to timely comply with all conditions required with the permit will be grounds for immediate revocation of the permit.

If the permit is revoked, and the property is used in a way that violates the City of Pueblo land use code (Title 17 Zoning), then there is a risk of citation by code enforcement.

You may submit photographs, licenses, permits, and other documentation to confirm compliance with the conditions.

Conditions

Date of issuance of permit: 7/28/2020

STAFF CONDITIONS

- 1 The owner must obtain an ingress/egress easement through the city-owned parcel to the southwest of the subject property to allow access to the rear portion of the property for parking.
- 2 The owner must obtain an ingress/egress easement along the southwest side of the adjacent property (819 & 821 E. B St. and/or 813 E. B St.) to connect to a designated right of way.
- 3 The owner must have a parking plan and a refuse plan approved by city staff prior to issuance of a building permit.

STANDARD CONDITIONS

- 1 **Time Limits:** Zoning permit shall become invalid unless work or action authorized by permit is fully executed by:
7/28/2021
- 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 PRIOR 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 BUILDING PERMIT 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 SOLELY 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