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Lisa Bailey
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Georgia Way

ZBA-24-32

TO: City of Pueblo Zoning Board of Appeals
FROM: Bart Mikitowicz
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 405 E Grant Ave, Pueblo, CO 81004
APPLICANT: Velma Roybal, BFD
PROPERTY OWNER: Velma Roybal, BFD
YEAR BUILT: 1970
LEGAL DESCRIPTION: LOTS 1 TO 4 INC BLK 152 COLORADO COAL + IRON COMPANYS ADDITION NO 1
ZONE DISTRICT: Single-Family Residential (R-2) Zone District
PARCEL ID: 1501224001
LOT SIZE: 19000
CONCURRENT REQUEST: Z-24-04

REQUEST: Special Exception Permit to allow for an Instructional studio in a Single-Family Residential (R-2) Zone District

BACKGROUND

405 E Grant Ave. is a 4,842 sq ft church built in 1970 and has operated as such since construction, though different religious organizations have used the building over the years. The property is zoned R-2 with single-family homes located to the south and east. Pueblo Central High School (zoned S-1) is located to the north and west. Currently, the applicant wishes to repurpose the church into a dance studio ("Instructional studio" as defined by the PMC). However, both religious institutions and instructional studios are not permitted in the R-2 Zone District. Making the religious institution at this location a nonconforming use. According to Sec. 17-3-5 (3) "If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a special exception be changed to another nonconforming use, provided that the Zoning Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Zoning Board of Appeals may require appropriate conditions and safeguards in accordance with the provisions of this Title." Since the none-conforming use has not been dormant for over six months, the new non-conforming use does qualify for this section. The proposed studio has one full-time employee and three part time employees. The hours of operation are from 5:00 PM – 8:30 PM, in which time approximately 20 students will attend in staggered lessons over that time.

In analysis, the subject property suffers from a unique hardship because It sits atop a small hill with steep topography and lacks curb cuts for vehicles to access the property. Historically, only on-street parking has been provided for the congregation. The site is located on the corner of Lake and E. Grant Ave. providing on-street parking along both rights of way. The applicant has indicated an ADA drop-off/pickup area off the alley. Utilities are present and refuse is kept in a screened commercial dumpster. As this is a lower intensity use than the previous church use or the school adjacent, compatibility with the surrounding residential areas would be ideal.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Government Use (S-1) Zone District	Pueblo Central Highschool
East	Government Use (S-1) Zone District	Pueblo Central Highschool
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 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: Neutral finding. Ingress and egress are taken from E Grant Ave for pedestrians, and there is an ADA accessible pick-up and drop-off area connected to the ally off E Grant Ave. However, there is no location which the vehicles can access the property without queuing in the public right-of-way.

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. The property has no available off-street parking available onsite.

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

Comments: Affirmative finding. The refuse is stored on-site in a screened commercial dumpster.

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 has established landscaping compliant with the zone district.

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 signs, and the applicant has not indicated the desire to install any.

7. Required yards and other open space.

Comments: Affirmative finding. The property meets landscape and open space requirements.

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

Comments: Affirmative finding. The property, a former church, has operated at this location since the 1970's. The requested use, a dance studio, would have one full-time employee and three part time employees. The hours of operation are from 5:00 PM – 8:30 PM, in which time approximately 20 students will attend in staggered lessons over that time.

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:

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: 6/25/2024	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 6/25/2025
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 C. Aerial Map



Exhibit D. Zoning Map

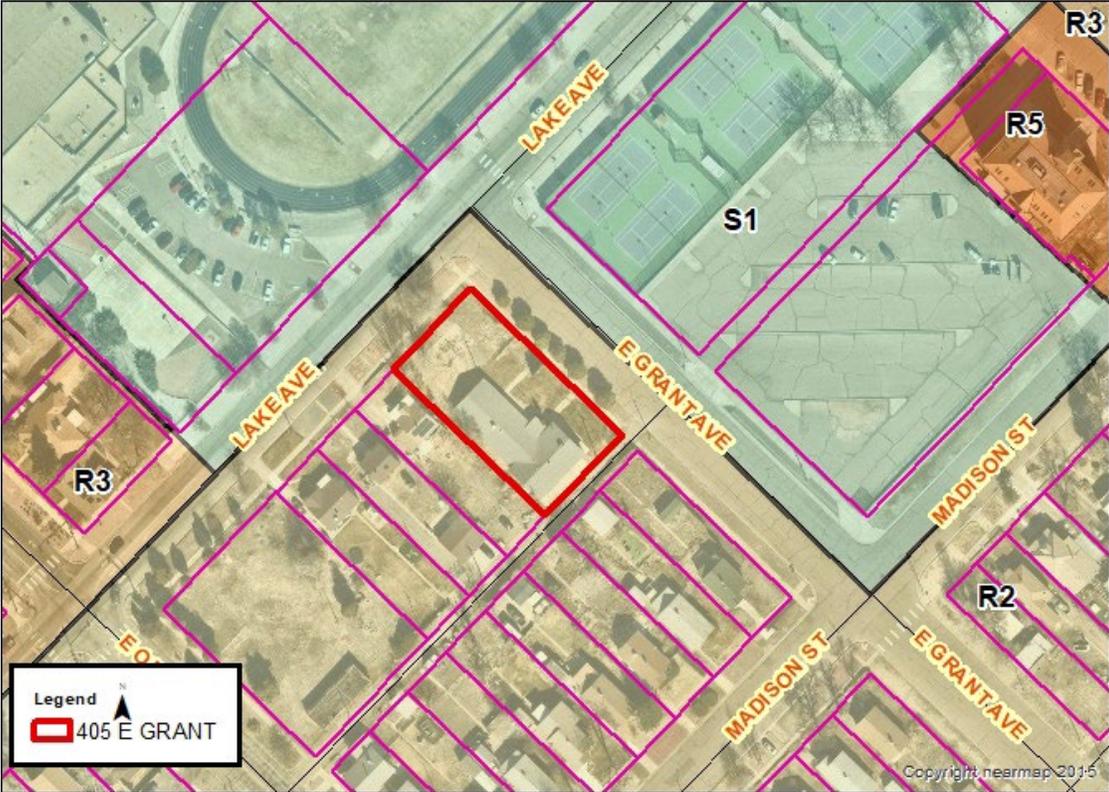


Exhibit E. Comprehensive Plan Map



Exhibit F. Public Notice



Exhibit G. Site Photos



H. Application



City of Pueblo PLACE

5/13/2024

24-95
Zoning Board of Appeals -
Special Use Permit &
Variances
Status: Active
Submitted On: 5/11/2024

Primary Location
405 E GRANT AVE
PUEBLO, CO 81004
Owner
ROYAL GORGE ASSOCIATION
OF SOUTHERN
E GRANT AVE 405 PUEBLO ,
CO 81004-2369

Applicant
Gary Anzuini
719-251-6870
ganzuini@comcast.net
9 Dittmer Circle
PUEBLO, CO 81005

Internal

ZBA Case Number

ZBA-24-32

Planner Assigned

-

Address Validation by GIS?

ZBA

Hearing Date

06/25/2024

Hearing Results

-

Board Conditions

Appeal Term End Date

-

Permit Completion Date

-

I. Supporting Documentation



Royal Gorge Baptist Association
1401 Jerry Murphy Rd
Pueblo, CO 81001

May 10, 2024

Pueblo Zoning Board of Appeals
1 City Hall Place
Pueblo, CO 81003

RE: Religious Service at 405 E. Grant Ave., Pueblo CO

Dear City of Pueblo,

This letter is to confirm that the Royal Gorge Baptist Association has held at least one religious service in the property known as 405 E. Grant Ave., in Pueblo Colorado within the last 6 months.

Sincerely,

Nate Templin
Regional Director

 1401 Jerry Murphy Rd. Pueblo, CO 81001

 719-242-3393

 rgba.colorado@gmail.com



Planning & Community Development

211 East D Street | Pueblo, Colorado 81003 | Tel 719-553-2259 | Fax 719-553-2359 | TTY 719-553-2611 | www.pueblo.us

Property Owner Affidavit

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

Property Owner:		
Name: Velma Roybal, CEO	Company: BFDP	
Address: 2041 Galileo Dr.		
City: Pueblo West	State: Co.	Zip: 81007
Phone: 719 671 0422	Email: velmaroybal@gmail.com	
Applicant:		
Name: Velma Roybal, CEO	Company: BFDP	
Phone: 719 671 0422	Email: velmaroybal@gmail.com	
Property Address: 405 E. Grant Ave, Pueblo Co. 81004		

I, Velma Roybal, hereby state that I am the owner of record of the property located at 405 E. Grant, Pueblo, Colorado, and further acknowledge that by signing this affidavit I authorize the submission of an application for a _____ at said location.
(application type)

Signature of Property Owner Date

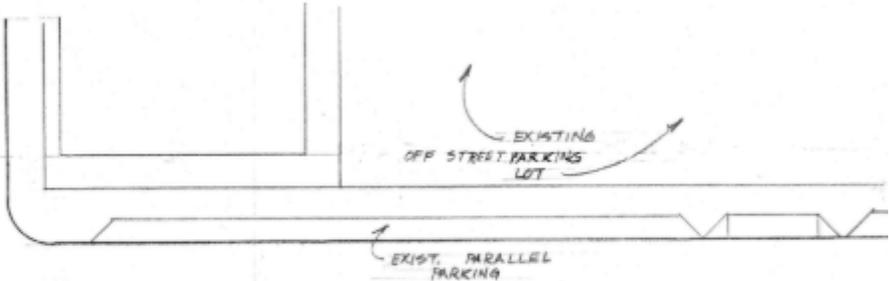
Velma Roybal, CEO, BFDP

SITE DATA

Tax Parcel no.	1501224001
Legal Description	Lots 1 through 4 including Block 152; Colorado coal and Iron Addition #1.
Zone	R-2
Address	405 East Grant Avenue
Lot size	Approx. 0.46 Acre
Occupancy	A-3
Building Size	5,298 Sq. Ft.
Structure lot coverage	13.8%

Site Plan N

1" = 30'



GRANT AVENUE

LAKE AVENUE

