

Mike Castellucci
Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

ZBA-24-46

Hearing Date: 8/27/2024

TO: City of Pueblo Zoning Board of Appeals
FROM: Bart Mikitowicz
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 1103 Pueblo Blvd Way, Pueblo CO 81005
APPLICANT: Nicholas R. O'Quin
PROPERTY OWNER: Dennis & Jeanette O' Quin
YEAR BUILT: 1997
LEGAL DESCRIPTION: LOT 1 BLK 103 REGENCY PARK BUSINESS CENTER #2 FORMERLY 15-044-10-006 + 007 + 013 + 014 + 015 + 016
ZONE DISTRICT: Sub-regional Business (B-2) Zone District
PARCEL ID: 1504427001
LOT SIZE: 32,277 sq ft

REQUEST: Variance to allow for two permanent shipping containers in a Sub-regional Business (B-2) Zone District

REQUEST BACKGROUND AND ANALYSIS

1103 Pueblo Blvd Way is an 8,112 sq ft commercial structure built in 1997. The building sits on a 32,277 sq ft parcel in the West Pueblo Blvd Business District west of South Pueblo Boulevard. Currently, the owner has two 8' x 40' shipping containers located in the southwest corner of the property adjacent to Regency Blvd. The applicants state that the containers are used for material storage for the window and door business. According to section 17-4-23 (C) (11) b., "The Zoning Board of Appeals may grant a variance to permit permanent shipping containers in commercial zone districts. The Zoning Board of Appeals shall have the authority to add reasonable conditions of approval related to mitigating the negative impact of the container. These conditions may include but are not limited to painting the container to match the principal structure, prohibit the use of signage on the container, fully screen the container by an opaque fence, clad the container to be architecturally compatible with the principal structure, require the container to be placed so it is not visible from a public or private right-of-way, and/or residential properties." Therefore, the applicant is required to obtain a variance to keep these shipping containers at this location.

The two white containers both 8' x 40' and 8'6" tall (see Exhibit G) are located adjacent to Regency Blvd and do not create unwanted areas of shade on neighboring properties. They sit behind the treelawn and a cluster of trees outside of the third-front yard setback; additional screening and buffering may not be necessary. Approving this variance would not jeopardize the general planning of the city with respect to land use, streets, or highways. Finding a new storage location for materials, and the removal of the containers could be costly and inconvenient for the applicant. The property does have a hardship due to having frontage on three rights of way; however, three other lots, in the same subdivision, have a similar hardship. Having multiple frontages on rights of way limits the development potential for the site due to the increased number of required front-yard setbacks.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Multiple Residential and Office (R-5) Zone District	Red Creek Apartments
East	Sub-regional Business (B-2) Zone District	Loaf N Jug
South	Sub-regional Business (B-2) Zone District	Joni Fair Hospice House
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 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. Granting the variance would not reduce light and air in the form of new shaded areas in the properties within 100 feet of the property. The storage containers are adjacent to Regency Blvd and do not create unwanted areas of shade on neighboring 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. This variance would 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: Neutral finding. The language of section 17-4-23 (C) (11) b. states that a Variance can be requested to keep shipping containers at a commercial location.

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 does have a hardship, in that it fronts multiple streets that would constitute an uncommonly large amount of setback area. According to the code ZBA may grant a variance but does not expressly state that a Variance is contingent on a hardship.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board chooses to approve this variance, staff recommends the following staff condition and Standard Permit Conditions 1 through 13:

1. The two shipping containers must be painted to match the existing color of the principle structure, providing a uniform appearance on all sides of the container.

ATTACHMENTS

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

Exhibit A. Standard Permit Conditions

Standard Permit Conditions Date of Issuance of Permit: ZBA-24-46	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 8/27/2025
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. Site Map



Exhibit D. Zoning Map

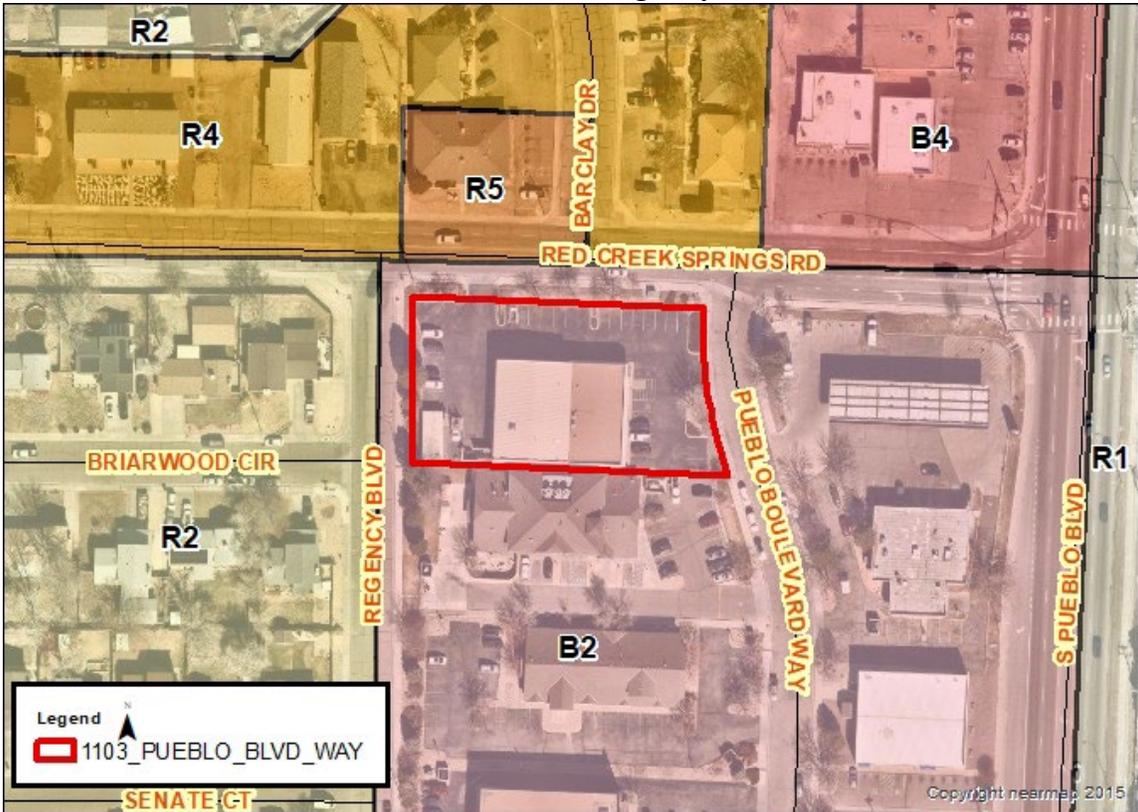


Exhibit E. Comprehensive Plan Map



Exhibit F. Public Notice



Exhibit G. Site Photos



Exhibit H. Application

 City of Pueblo PLACE

July 8, 2024

24-145
Zoning Board of Appeals
- Special Use Permit &
Variances
Status: Active
Submitted On: 7/5/2024

Primary Location
1103 PUEBLO BOULEVARD WAY
PUEBLO, CO 81005

Owner
O QUIN DENNIS M/O QUIN
JEANETTE F
2422 VENTANA CIR E PUEBLO ,
CO 81005-5575

Applicant
 Nicholas O'Quin
 719-561-3300 ext. 106
 noquin@candowindows.com
 1103 Pueblo Blvd. Way
Pueblo, CO 81005

Internal

 ZBA Case Number

ZBA-24-46

 Planner Assigned

-

 Address Validation by GIS?

ZBA

 Hearing Date

08/27/2024

 Hearing Results

-

 Board Conditions

 Appeal Term End Date

-

 Permit Completion Date

-

Exhibit I. Supporting Documents



Planning & Community Development

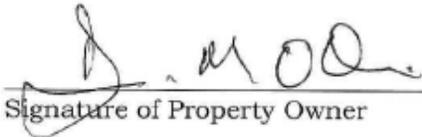
211 East D Street | Pueblo, Colorado 81003 | Tel 719-553-2259 | Fax 719-553-2359 | TTY 719-553-2611 | www.pueblo.us

Property Owner Affidavit

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

Property Owner:			
Name: Dennis & Jeanette O'Quin		Company:	
Address: 2422 Ventana Cir. East			
City: Pueblo		State: CO	Zip: 81005
Phone: (719) 240-8267	Email:		
Applicant:			
Name: Nicholas R. O'Quin		Company: C&O Window and Door Co., LLC	
Phone: 7192501822	Email: noquin@candowindows.com		
Property Address:			

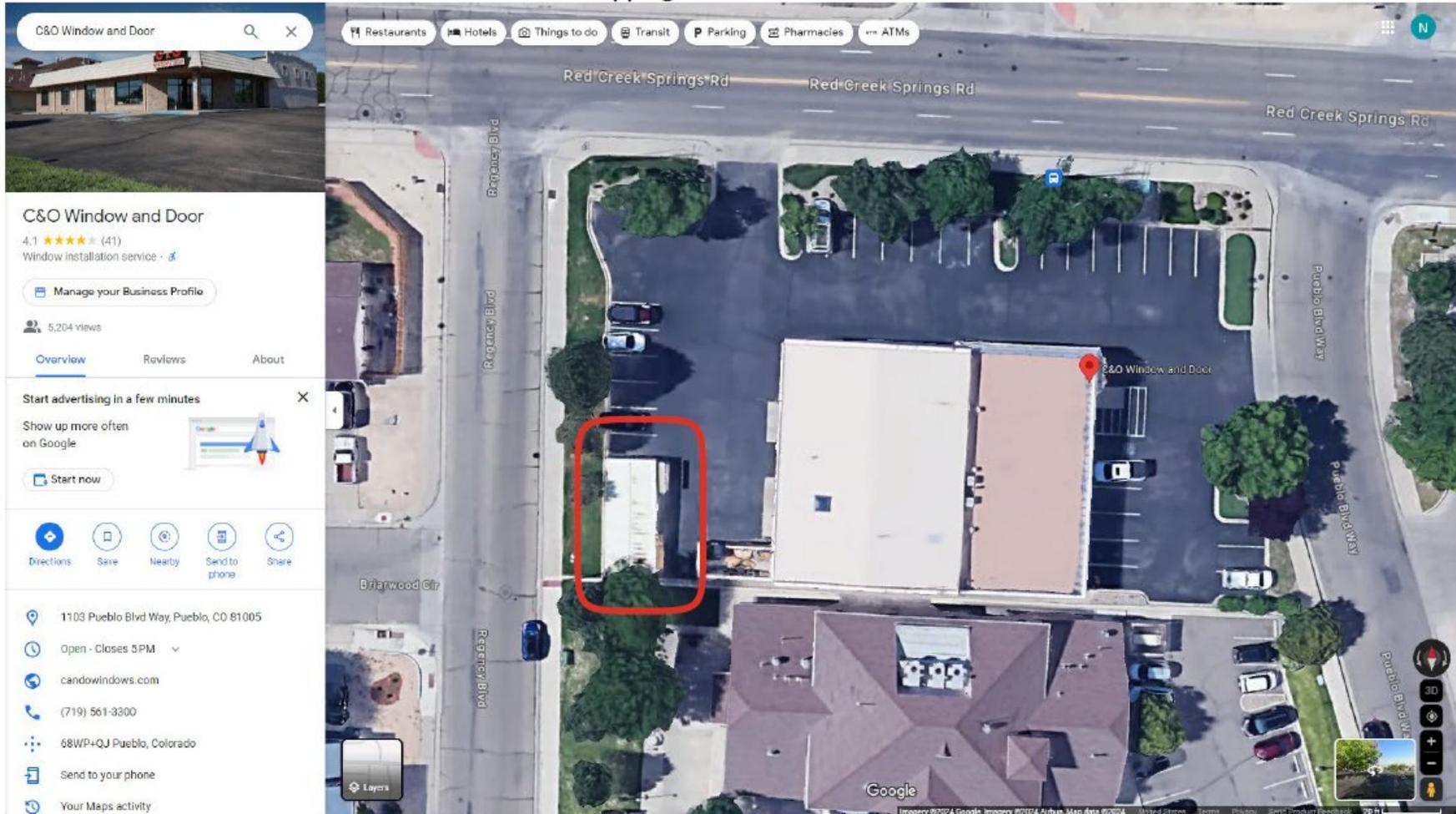
I, Dennis M. O'Quin, hereby state that I am the owner of record of the property located at 1103 Pueblo Blvd. Way Pueblo, CO 81005, Pueblo, Colorado, and further acknowledge that by signing this affidavit I authorize the submission of an application for a variance at said location.
(application type)

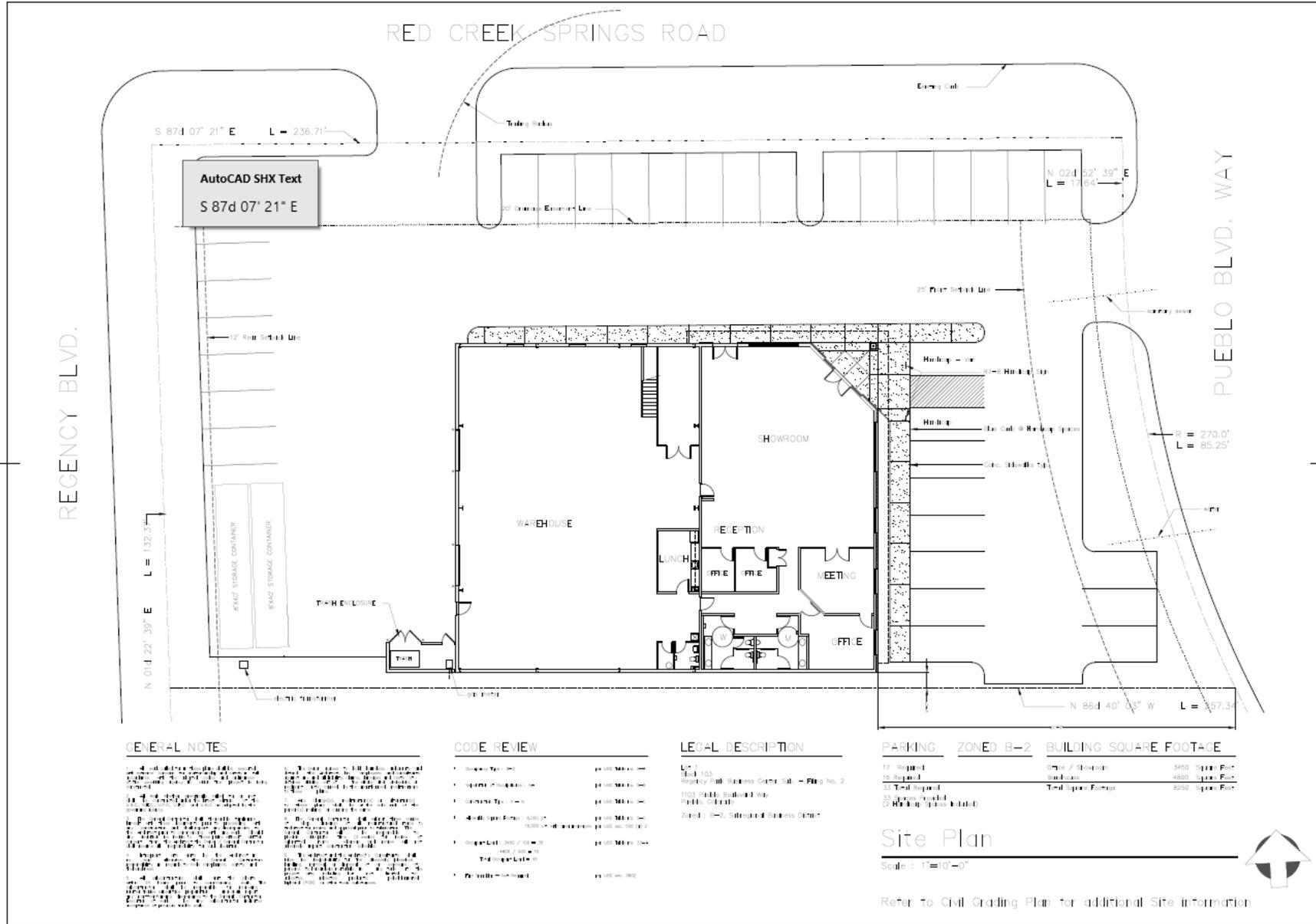
 7-5-2024
 Signature of Property Owner Date

C&O Window and Door Co., LLC

1103 Pueblo Blvd. Way Pueblo, CO 81005

Shipping Container Location





GENERAL NOTES

1. All dimensions shown on this plan are based on the centerline of the street unless otherwise noted. The owner is responsible for obtaining all necessary permits and approvals from the appropriate authorities. The owner is responsible for providing all necessary information to the architect and engineer. The architect and engineer are not responsible for any errors or omissions on this plan. The owner is responsible for providing all necessary information to the architect and engineer. The architect and engineer are not responsible for any errors or omissions on this plan.

2. The owner is responsible for providing all necessary information to the architect and engineer. The architect and engineer are not responsible for any errors or omissions on this plan. The owner is responsible for providing all necessary information to the architect and engineer. The architect and engineer are not responsible for any errors or omissions on this plan.

CODE REVIEW

- [Code Item] [Description] [Reference]

LEGAL DESCRIPTION

Lot 1
 Block 101
 Pueblo Blvd. Business Center Sub. - Plat No. 2
 1001 Pueblo Blvd. Sub. Plat No. 2
 Pueblo, Colorado
 Zoned: B-2, Subregional Business District

PARKING ZONED B-2 BUILDING SQUARE FOOTAGE

17 Required	Office / Showroom	3450 Square Feet
18 Required	Warehouse	4800 Square Feet
33 Total Required		
33 spaces provided		
02 Parking Spaces Inadequate		
	Total Square Footage	8250 Square Feet

Site Plan

Scale: 1"=10'-0"

Refer to Civil Grading Plan for additional Site Information

Gregory A. Van
 Architect
 1719 1/2 N. 1st St.
 Pueblo, Colorado 81003
 (719) 553-2259
 www.gvan.com

NO. 1	DATE	DESCRIPTION



a new commercial building for:
 C & O Window and Door

DATE	BY
10/15/2019	
SCALE	
1"=10'-0"	

SHEET 02
 A14