

Mike Castellucci
Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

ZBA-25-14

Hearing Date: 2/25/2025

TO: City of Pueblo Zoning Board of Appeals
FROM: Hannah Prinzi
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 2320 N Grand Ave
APPLICANT: Jason Shoudis
PROPERTY OWNER: Michell Vacha (Community Dental Health)
YEAR BUILT: 1971
LEGAL DESCRIPTION: LOTS 5 6 7 + 8 BLK 16 BARNDOLLAR + LOWTHER
ZONE DISTRICT: Subregional Business (B-2) Zone District
PARCEL ID: 524427003
LOT SIZE: 0.39 Acres

REQUEST: Variance to reduce the rear-yard setback requirements in a Subregional Business (B-2) Zone District to facilitate the expansion of an existing dental office.

BACKGROUND

The applicant is requesting a variance to reduce the rear-yard setback requirements from 15' to approximately 3' 9" to facilitate the expansion of an existing dental office at 2320 N Grand Ave. The subject property is a 0.39-acre parcel in a Subregional Business (B-2) Zone District, generally located east of I-25 and south of W 24th St. The property is developed with an approximately 2,475 sq. ft. commercial building built in 1971 and a striped parking lot. There are commercial businesses to the north and west of the subject property, with residential homes to the south and east. The dental office is operated by Community Dental Health, a 501 c3 charity that provides dental health for low-income or uninsured individuals. The proposed addition would extend the office to the east 12', adding 660 square feet to the building (See Exhibit H. Site Plan). The applicant indicated the addition would provide the dental office with needed storage space.

STAFF ANALYSIS

The subject property is adjacent to a Residential Zone District on the east, which triggers the minimum 15' rear-yard setback (Sec. 17-4-3, (h) (A)). An alley runs between the subject property and the homes to the east, maintaining distance between the properties. Should the variance be granted, there would still be approximately 3' 9" between the dental office and alley. Customers and services will still access the dental office off N Grand Ave. If they were to expand in any other direction, they could meet setback requirements, but it would reduce off-street parking, access to the alley, and overall flow of the site.

Additionally, the variance request is contingent upon the rearrangement of interior lot lines at this subject property. The property consists of the combination of Lots 5, 6, 7, and 8 of Block Barndollar and Lowther. This subdivision was recorded in 1872, well before the Subdivision Code was adopted in 1972. Per current standards, only single-family structures are allowed to be built across lot lines. The commercial building on the subject property sits across three internal lot lines; however, the building was built in 1971, also before the Subdivision Code was adopted. The building is therefore a non-conforming structure and allowed to continue existing as is but not to increase in non-conformity. The addition may not be permitted until the interior lot lines are removed through a lot line rearrangement, bringing the structure into compliance with current Subdivision Code. If the lot

line rearrangement is completed and the variance is granted, the site plan will be reviewed before a building permit can be issued.

ZONE DISTRICT AND LAND USE

Zone:		Developed with:
North	Subregional Business (B-2) Zone District	Real Estate Agency and Dance School
East	One- and Two-Family Residential (R-3) Zone District	Single-Family Homes
South	Mixed Residential (R-4) Zone District	Single-Family and Multi-Family Homes
West	Subregional Business (B-2) Zone District	Beauty Salon

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 or objections. Routing, Plan Review, and Permits will be required.
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 expansion would bring the dental office closer to the residential homes to the east. However, an alley runs between the dental office and the homes, maintaining a 19-foot separation between the commercial and residential uses.

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 addition does not reduce off-street parking. The dance studio across N Grande Ave provides an example of a commercial building being built up against the alley across from residential homes.

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

Comments: Affirmative finding. Building an addition on any other side of the dental office would reduce off-street parking and access to the alley.

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: Neutral/Negative finding. The subject property does not suffer a unique disadvantage. It is a rectangular, 0.39-acre parcel with street and alley access.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board makes the necessary findings of fact to approve this variance, staff recommends Standard Permit Conditions 1 through 13 and the following staff condition:

1. The variance request is contingent upon approval and recording of a rearrangement of property boundaries, eliminating the interior lot lines within the existing parcel.

ATTACHMENTS

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

Exhibit A. Standard Permit Conditions

Standard Permit Conditions Date of Issuance of Permit: 2/25/2025	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 2/25/2026
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. Aerial Map

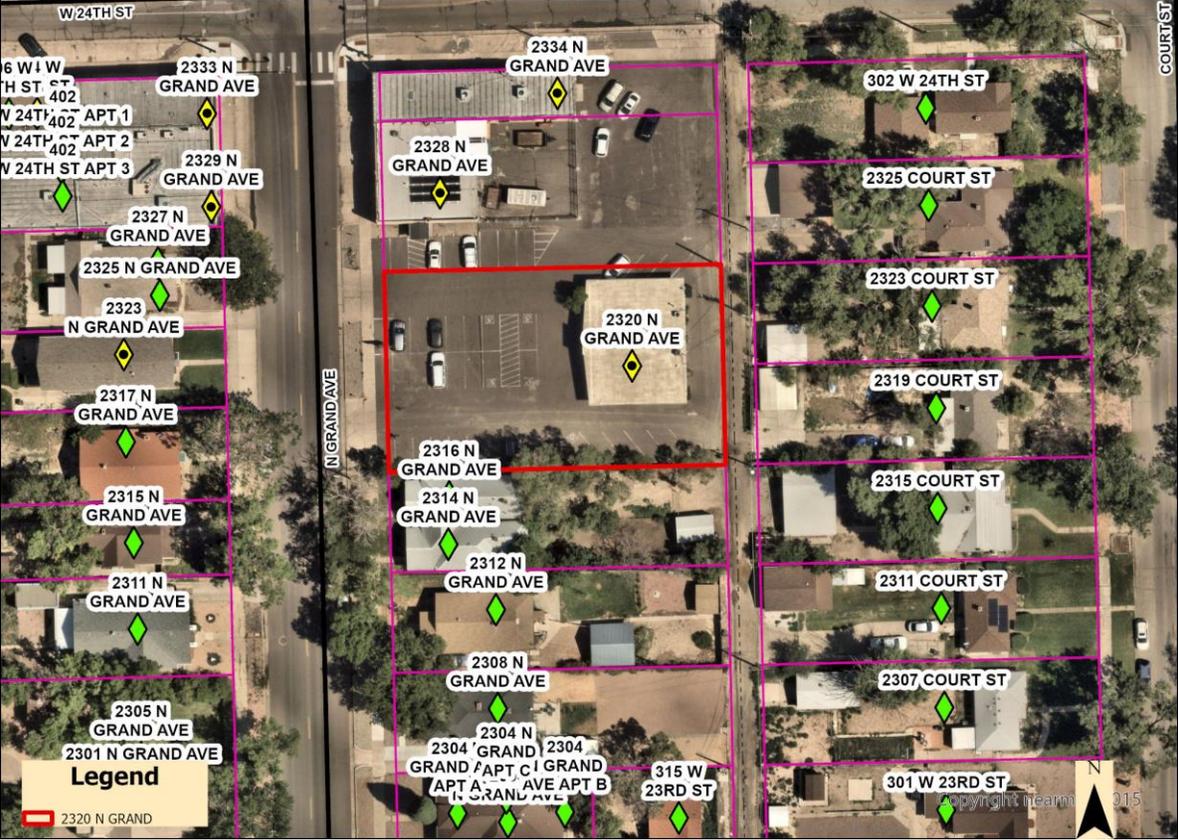


Exhibit C. Zoning Map

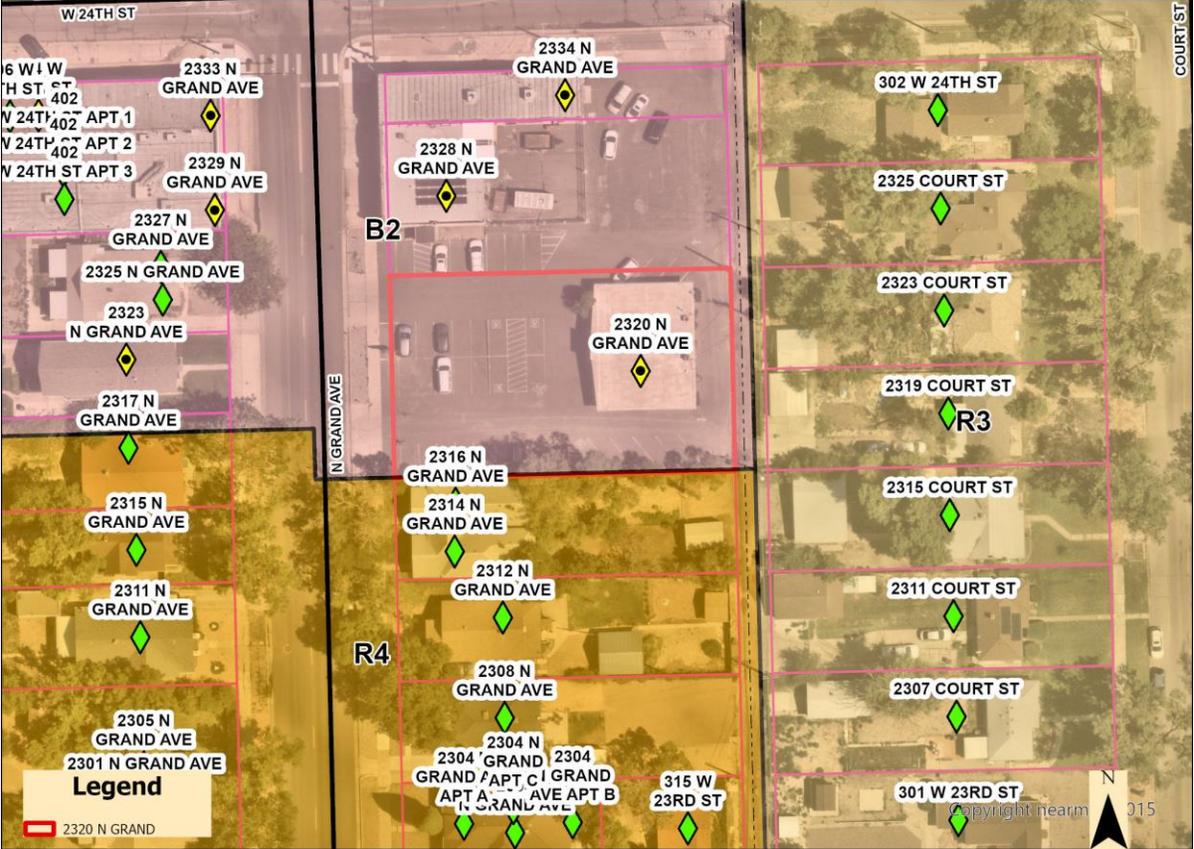


Exhibit D. Comprehensive Plan Map



Exhibit E. Public Notice



Exhibit F. Site Photos



Exhibit G. Application



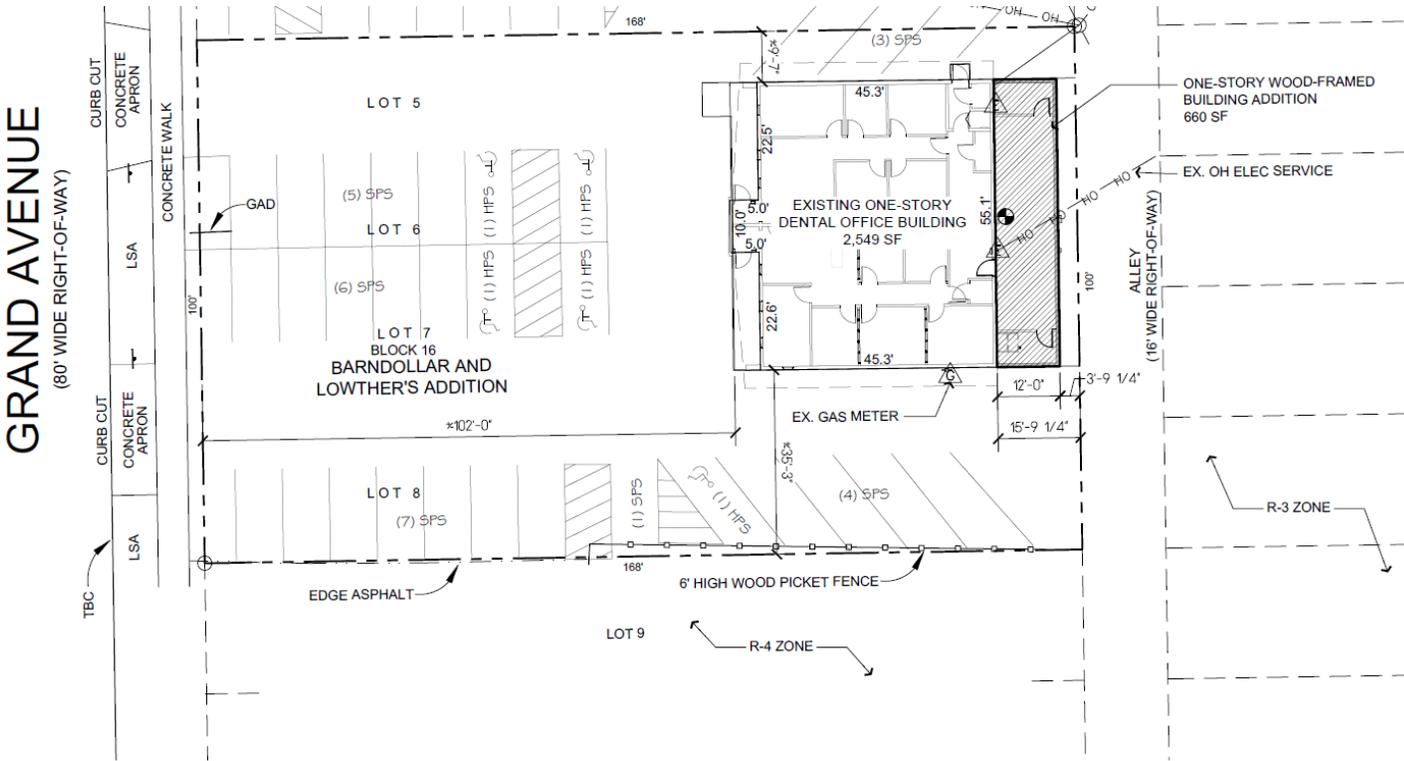
January 14, 2025

25-19
Zoning Board of Appeals
- Special Use Permit &
Variances
Status: Active
Submitted On: 1/14/2025

Primary Location
2320 N GRAND AVE
PUEBLO, CO 81003
Owner
LICENSED DENTAL HYGIENE
CARE DBA COMMUNITY
DENTAL HEALTH NPO,
1436 N HANCOCK AVE
COLORADO SPRINGS, CO
80903-2621

Applicant
Jason Shoudis
719-484-0480
jason@bucherdesign.com
12325 Oracle Blvd, Ste 101
Colorado Springs, CO 80921

H. Site Plan



REFERENCE SITE PLAN

SCALE: 1/16" = 1'-0"

