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ZBA-21-09

To: City of Pueblo Zoning Board of Appeals
From: Chelsea Stromberg, Planner
Through: Scott Hobson, Land Use Administrative Official
Date: 4/27/2021
Request: **Variance to allow an accessory structure (garage) to exceed the maximum size limitation**

Site Location 2403 Denver Blvd. Pueblo, CO 81003
Legal Description LOTS 15 + 16 BLK 103 FAIRMOUNT PARK 2ND

Applicant **Kit Chapiewsky, Premier Mortgage**
 1700 Fortino Blvd. Pueblo, CO 81008

Owner Valerie Martinez

2403 Denver Blvd. Pueblo, CO 81003
Zone District Single Family Residential (R-2 Zone) District

BACKGROUND:

The applicant is requesting a variance to allow an accessory structure to exceed the size limitations set forth in Sec. 17-4-23(c)1 which states "No detached accessory structure or combination of structures shall exceed fifteen percent (15%) of the lot area, up to a maximum of one thousand five hundred (1,500) square feet, or one hundred percent (100%) of the footprint of the principal structure, whichever is smaller;" The garage, built in 2014, has a footprint of 900 square feet which exceeds the limitation set by the footprint of the home (720 square feet).

Prior to constructing the garage, the owner applied for, and was issued, a building permit. Plans submitted at that time indicated the garage was larger than the maximum allowed size, however, those plans appear to have been approved in error.

The applicant is seeking a variance to refinance the mortgage on the home.

ZONING DISTRICT AND LAND USE:

	Zone:	Developed with:
North	R-2, Single Family Residential	Single family detached residential
East	R-2, Single Family Residential	Undeveloped
South	R-2, Single Family Residential	Single family detached residential
West	R-2, Single Family Residential	Undeveloped

PUBLIC NOTICE

The property was publicly noticed in accordance with the Pueblo Municipal Code. Specifically, the hearing was published in the Pueblo Chieftain, surrounding property owners within 100 feet of the property were noticed by mailed, and a sign was placed on the site (Attachment E). These notices occurred at least 10 days prior to the hearing.

OTHER AGENCIES

Code Enforcement	No comment
City Public Works	No comment
City Fire Department	No comment
Parks and Recreation	No comment
Stormwater	No comment
Wastewater	No comment
Waterworks	No comment

FINDINGS OF FACT FOR VARIANCE REQUIREMENTS

- 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 garage backs up to an alley and exceeds the minimum required side yard setbacks and is approximately 8 feet from the alley right of way, the minimum required setback is five feet, two feet with administrative approval.

- 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 garage is approximately 8 feet from the alley right of way, the minimum required setback is five feet, two feet with administrative approval.

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

comments:

Affirmative finding, the garage has already been built.

- 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:

Negative finding, the propoerty suffers no unique disadvantage.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

Should the Zoning Board of Appeals grant the variance, staff recommends standard permit conditions

STANDARD PERMIT CONDITIONS

Date of issuance of permit: 4/27/2021

- 1 **Time Limits:** Zoning permit shall become invalid unless work or action authorized by permit is fully executed by:
4/27/2022
- 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

ATTACHMENTS

- A. Location Map
- B. Site Map
- C. Zoning Map
- D. Public Notice Photo
- E. Site Photographs
- F. Application
- G. Supporting documentation

A. LOCATION MAP



B. SITE MAP



C. ZONING MAP



D. PUBLIC NOTICE PHOTO



E. SITE PHOTOGRAPHS

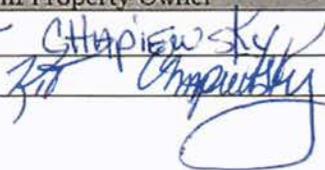


Zoning Board of Appeals Application

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

Property Owner:		Applicant (if different from property owner):	
Contact Info	Name: VALERIE C. MARTINEZ	Name: KIT CHAPIEWSKY	
	Address: 2403 DENVER BL	Company: PREMIER MORTGAGE	
	City, State & Zip: PUEBLO, CO 81003	Address: 1700 FORTINO BL	
	Phone: 719) 508-1529	City, State & Zip: PUEBLO, CO 81008	
	Email: N/A	Phone: 719-542-5624 Cell: ()	
		Email: KITCHAP@PREMIERPUEBLO.NET	
The applicant will be the primary contact unless otherwise noted.			
Property Info	Project Location: 2403 DENVER BL, PUEBLO, CO 81003		
	Legal Description: LOTS 15 + 14, BLK 103 FAIRMOUNT PARK 2ND		
	Parcel No: 523320007	Existing Zone: R2	
	Property Size: 45' X 125" 5625 SF		
Project Information	General Information		
	Provide a short description of the proposed request: WHILE REFINANCING BORROWER, THE APPRAISER NOTED THAT BECAUSE OF LOT SIZE WE NEED A CERTIFICATE OF NON-CONFORMING USE OR LEGAL NON-CONF CERTIFICATE. OWNER BUILT A PERMITTED DETACHED GARAGE IN 2014 AND INSPECTOR SIGNED OFF.		
	What is the general use of the property: <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Multi-Family <input type="checkbox"/> Other _____		
	Scope of work: <input type="checkbox"/> Special Use Permit (Limited Use Permit): <input type="radio"/> Use by Review <input type="radio"/> Home Daycare <input type="radio"/> Home Occupation (Total # of children: _____) <input type="radio"/> Other: _____ <input checked="" type="checkbox"/> Variance: DETACHED GARAGE ALREADY BUILT - 2014 ZONING SIGN OFF ON PULLED PERMITS. <input type="radio"/> Setback <input type="radio"/> Parking <input type="radio"/> Landscape <input type="radio"/> Lighting <input type="radio"/> Height <input type="radio"/> Signs <input type="radio"/> Other: _____ <input type="checkbox"/> Appeal: <input type="radio"/> ZBA Decision (Case Number: ZBA-_____-_____) <input type="radio"/> Administrative Official Determination <input type="radio"/> Other: _____ <input type="checkbox"/> Other: _____		
	ALREADY		

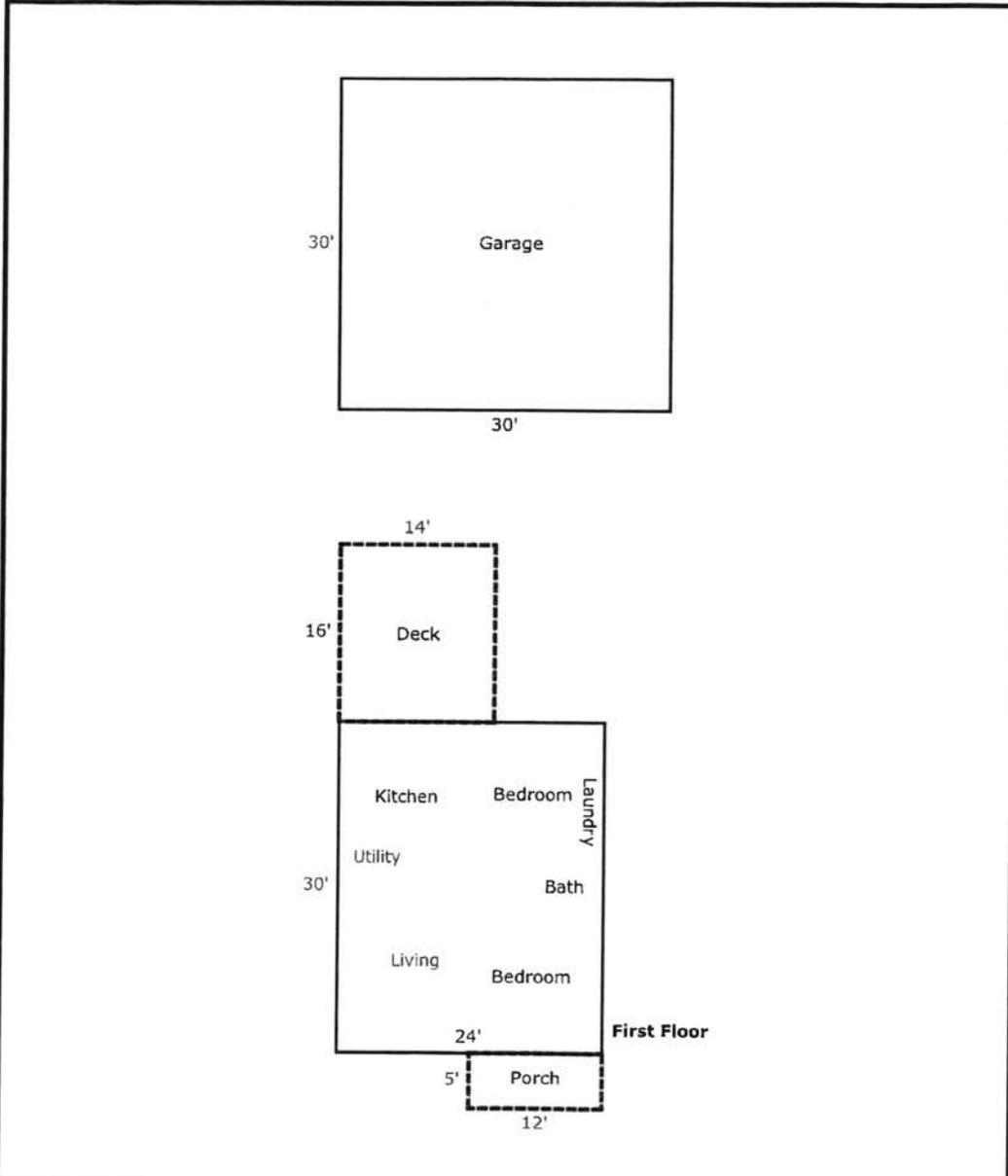
(Continue Next Page)(Continued from Page 1)

Attachments	Attachment Checklist:	
	<p>The following list of attachments are required to accompany all applications:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> A. Detailed explanation of the request as listed above. Be specific. <input checked="" type="checkbox"/> B. Justification of facts required for the request. Be specific <input checked="" type="checkbox"/> C. Site plan, if variance. Must depict requested variance on plan. <input checked="" type="checkbox"/> D. Applicable application (i.e. business license, Home Occupation Questionnaire). <input checked="" type="checkbox"/> E. Photographs. <input type="checkbox"/> F. Additional information that you believe justifies the request. <input type="checkbox"/> G. Copy of determination letter, if appealing Administrative Official Determination. <input checked="" type="checkbox"/> H. Pueblo County Assessor's Property Information print out www.co.pueblo.co.us 	
Terms	By signing below, the Property Owner and Applicant are representing that each understands and agrees to the following terms:	
	<ol style="list-style-type: none"> 1. Authorized personnel from the City of Pueblo, are hereby granted the right to enter the subject property for the purposes of reviewing and processing the application. 2. There are no known hazards or vicious animals present on the subject property. 3. All requisite fees have been paid to the City of Pueblo. 4. All information in this application, and all attachments, are true and accurate to the best of my knowledge. 5. The City of Pueblo is under no obligation to approve the request contained in this application. No promises of approval are conveyed with the acceptance of this application. 6. It is highly recommended that a licensed surveyor complete a property survey before any construction takes place. The property owner is responsible for any construction that takes place within the boundaries of their property. The city may require any construction built outside of the property legal boundaries or within any setbacks (by intent or error), to be removed at the owners' expense. 	
Signatures	Property Owner	
	Print Name:	
	Signature:	Date:
	Applicant, if different from Property Owner	
Print Name:	KIT CHAPIEWSKY	
Signature:		Date: 4-6-21

Office Use Only	Zoning Compliance (Completed by City Staff)	
	Application received by:	Date:
	Application checked for completeness by:	Date:
	Case Manager:	Fee Paid:
	Hearing date:	<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Approved w/conditions
Case #:		

Building Sketch

Borrower	Valerie C Martinez						
Property Address	2403 Denver Blvd						
City	Pueblo	County	Pueblo	State	CO	Zip Code	81003
Lender/Client	Premier Mortgage Services, Inc.						



TOTAL Sketch by a la mode, inc.

Area Calculations Summary

Living Area	Calculation Details	
First Floor	24 x 30 =	720
Total Living Area (Rounded):		720 Sq ft
Non-Living Area		
Wood Deck	16 x 14 =	224
Open Porch	5 x 12 =	60
2 Car Detached	30 x 30 =	900

Subject Photo Page

Borrower	Valerie C Martinez				
Property Address	2403 Denver Blvd				
City	Pueblo	County	Pueblo	State	CO Zip Code 81003
Lender/Client	Premier Mortgage Services, Inc.				



Subject Front

2403 Denver Blvd
 Sales Price
 Gross Living Area 720
 Total Rooms 4
 Total Bedrooms 2
 Total Bathrooms 1.0
 Location N;Res;
 View N;Res;
 Site 5625 sf
 Quality Q4
 Age 70



Subject Rear



Subject Street

Subject Photo Page

Borrower	Valerie C. Martinez				
Property Address	2403 Denver Blvd				
City	Pueblo	County	Pueblo	State	CO Zip Code 81003
Lender/Client	Premier Mortgage Services, Inc.				



Additional Subject Front

2403 Denver Blvd
 Sales Price
 Gross Living Area 720
 Total Rooms 4
 Total Bedrooms 2
 Total Bathrooms 1.0
 Location N;Res;
 View N;Res;
 Site 5625 sf
 Quality Q4
 Age 70



Additional Subject Rear



Additional Subject Street

Valerie C. Martinez

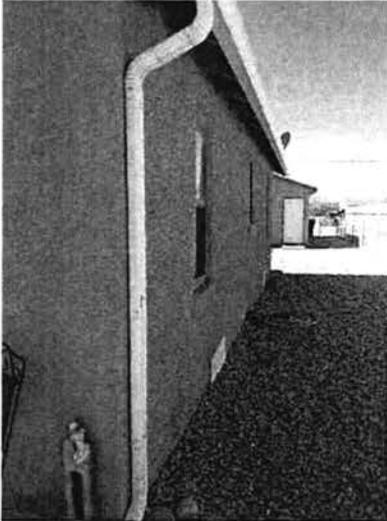
Subject Photo Page

Borrower	Valerie C. Martinez				
Property Address	2403 Denver Blvd				
City	Pueblo	County	Pueblo	State	CO
Lender/Client	Premier Mortgage Services, Inc.				
				Zip Code	81003



Subject South Side

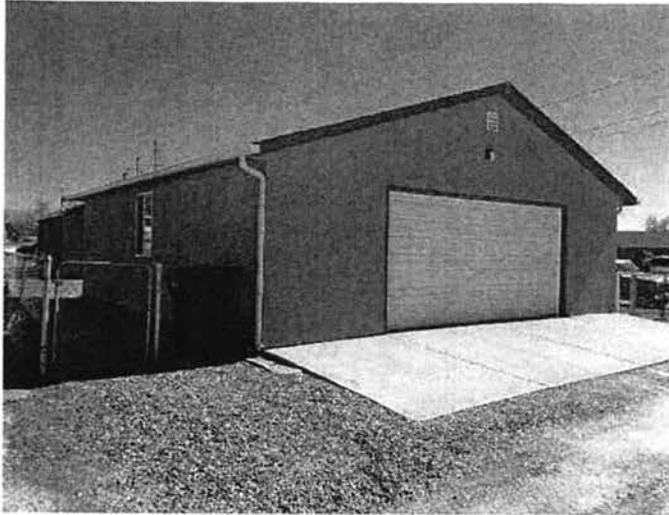
2403 Denver Blvd
 Sales Price
 Gross Living Area 720
 Total Rooms 4
 Total Bedrooms 2
 Total Bathrooms 1.0
 Location N;Res;
 View N;Res;
 Site 5625 sf
 Quality Q4
 Age 70



Subject North Side

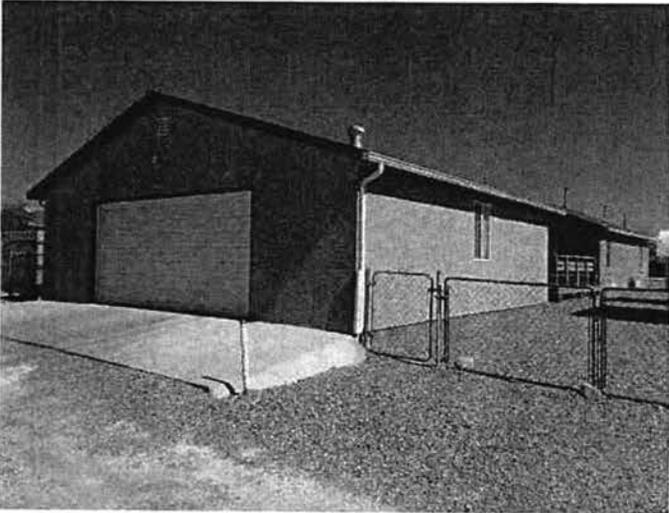
Subject Photo Page

Borrower	Valerie C Martinez		
Property Address	2403 Denver Blvd		
City	Pueblo	County	Pueblo
		State	CO
		Zip Code	81003
Lender/Client	Premier Mortgage Services, Inc.		



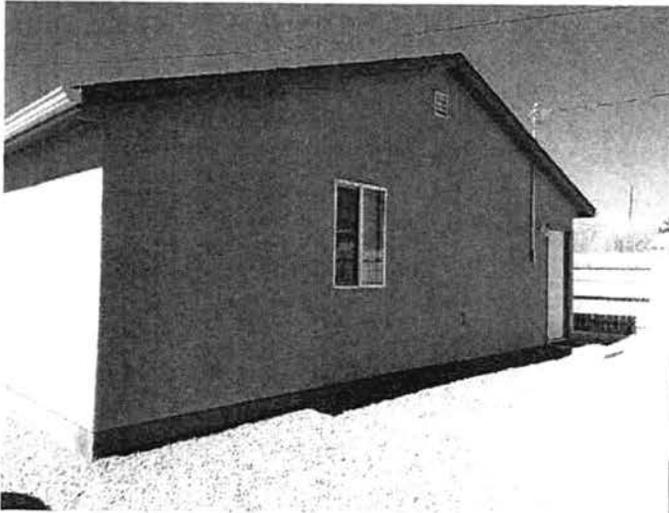
Detached Garage

2403 Denver Blvd
 Sales Price
 Gross Living Area 720
 Total Rooms 4
 Total Bedrooms 2
 Total Bathrooms 1.0
 Location N;Res;
 View N;Res;
 Site 5625 sf
 Quality Q4
 Age 70



Detached Garage

(additional view)



Detached Garage - Rear