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ZBA-21-11

To: City of Pueblo Zoning Board of Appeals
From: Bart Mikitowicz, Planner
Through: Scott Hobson, Land Use Administrative Official
Date: 6/8/2021
Request: **A Variance to allow for an accessory structure to exceed the maximum size limitation in a Single-family Residential (R-2) Zone District.**
Site Location: **1533 Savannah Dr, Pueblo, CO 81005**
Legal Description: PARCEL A REARRANGEMENT OF PROPERTY BOUNDARIES LL-18-02 FORMERLY #15-092-25-022 + 023
Year Built: 2006
Applicant: Doug & Jennifer Sparks
Property Owner: Doug & Jennifer Sparks
Zone District: Single-family Residential (R-2) Zone District.

BACKGROUND

1533 Savannah Dr is a 5,277-sf. single-family home built in 2006. The building is located in the West Lee Hills Subdivision, along the southwestern edge of the city. The applicant is requesting a Variance to allow construction of an accessory structure that exceeds the maximum size limitation in a Single-family Residential (R-2) Zone District. In accordance with 17-5-34 of the Pueblo Municipal Code (PMC), The applicant, Chuck Wood, is required to obtain a Variance in order to construct an accessory structure that exceeds 1,500 square feet.

The applicant was recently approved to build a 1,468-sf. detached garage on the 18,869-sf. lot to the northeast of the principal structure. However, the applicant would also like to build a 450-sf. patio cover attached the previously approved 1,468 square foot garage, which, as proposed exceeds the 1,500-sf. size limitation by 418-sf. Therefore, the applicant is applying for a variance to allow the construction of a 1,918 square foot detached accessory structure, that consists of a garage and covered patio cover.

After reviewing the case, the planning staff feels that due to both the generous size of the principal structure and lot, this variance would not be a detriment to the surrounding properties.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Single Family Residential (R-2) Zone District	Single Family Residential
East	Single Family Residential (R-2) Zone District	Single Family Residential
South	Single Family Residential (R-2) Zone District	Single Family Residential
West	Agricultural (A-1) Zone District	Unimproved land

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. The accessory structure will not reduce light and air to adjacent properties. The proposed garage, which will include a stone wainscot and gable, matching the existing home is not anticipated to reduce the monetary value of properties within one hundred feet of the property.

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 will not negatively affect land use planning or the location of streets and 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 detached accessory structures could be designed and constructed in a manner that conforms to the code; however, because the principal structure is a 5,277 sf. the proposed 1,918 square foot garage is scaled fittingly with the principal structure.

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 finding. This lot has been previously rearranged to make it bigger than the surrounding properties, this is not common to the other properties in the zone district.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board chooses to approve this Special Use Permit staff only recommends Standard Permit Conditions 1 through 13.

ATTACHMENTS

- A. Standard Permit Conditions
- B. Location Map
- C. Site 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: 6/8/2021	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by ZBA-21-11
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. Location Map

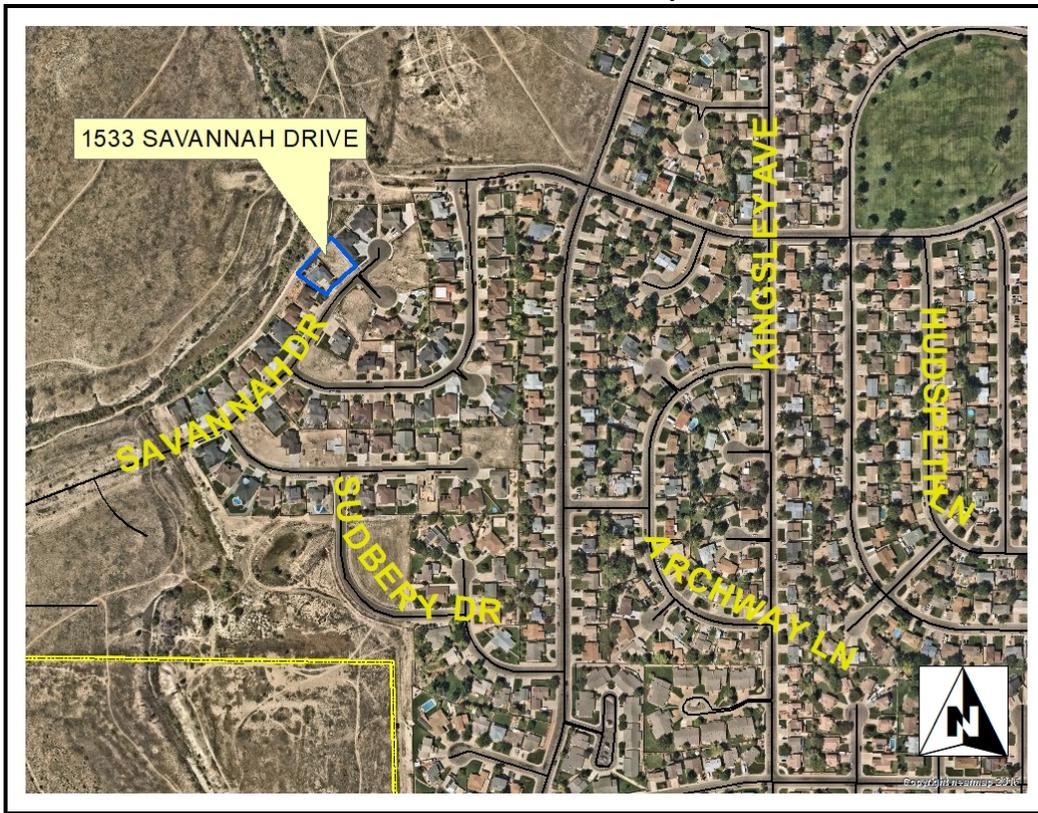


Exhibit C. Site Map

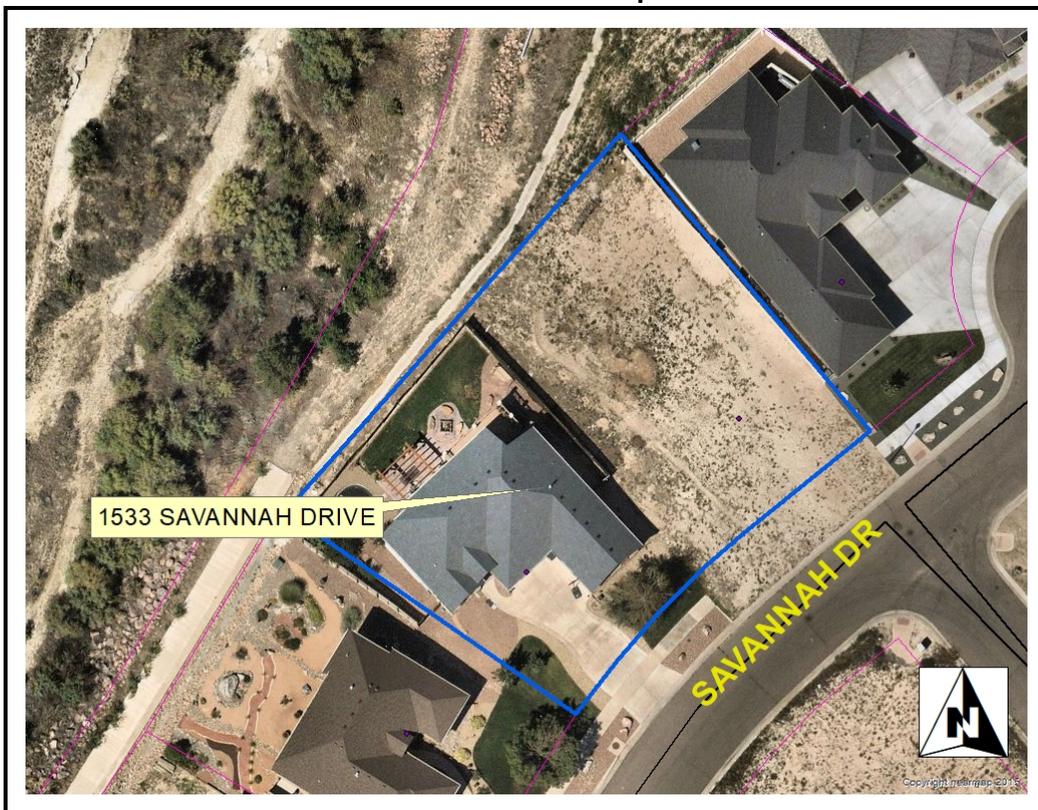


Exhibit D. Zoning Map (Zoning Map Amendments Recommended)

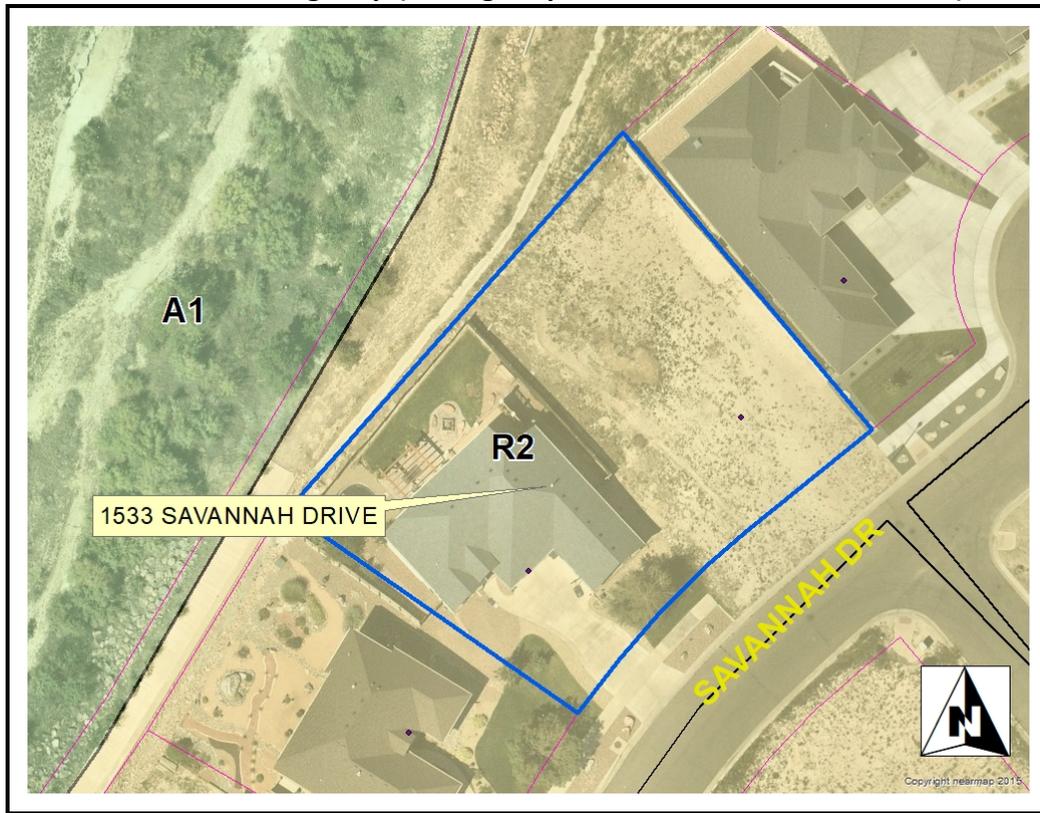


Exhibit E. Comprehensive Plan Map

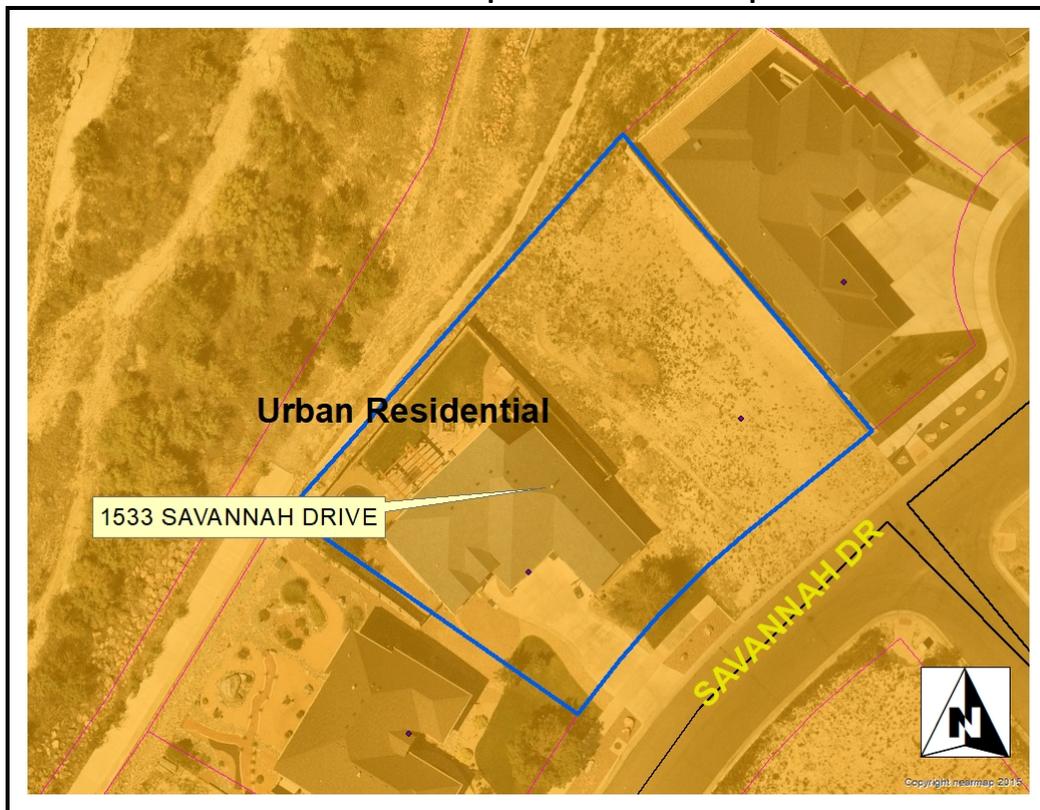


Exhibit F. Public Notice



Exhibit G. Site Pictures



Taken from Savannah Drive facing west

Exhibit H. Application



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

Zoning Board of Appeals Application

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

Contact Info	Property Owner:		Applicant (if different from property owner):		
	Name: Doug & Jennifer Sparks		Name: Chuck Wood		
	Address: 1533 Savannah Dr.		Company: Sky Creek Homes. Ltd		
	City, State & Zip: Pueblo Co, 81005		Address: 215 S. Purcell Blvd.		
	Phone: (719) 406-8510		City, State & Zip: Pueblo West Co, 81007		
	Email: jennylou_1982@yahoo.com		Phone: (719) 225-1270	Cell: (719) 252-4980	
	dosparks19@gmail.com		Email: chuck@skycreekhomes.com		
<i>The applicant will be the primary contact unless otherwise noted.</i>					
Property Info	Project Location:				
	Legal Description: Parcel A Rearrangement of Property Boundaries LL-18-02				
	Parcel No: 1509225050		Existing Zone: R-2		
	Property Size: 18,869 SF.				
Project Information	General Information				
	Provide a short description of the proposed request:				
	Wanting to add a 450 SF covered patio to a 1,468 SF detached garage that is currently being constructed on the property bringing the total accessory structure area on the property to 1918 SF.				
	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:					
<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 checked="" type="checkbox"/> Other: Increase Max. accessory structure size from					
<input type="checkbox"/> Appeal: 1500 SF to 1918 SF					
<input type="radio"/> ZBA Decision (Case Number: ZBA-____-____) <input type="radio"/> Administrative Official Determination <input type="radio"/> Other: _____					
<input type="checkbox"/> Other: _____					

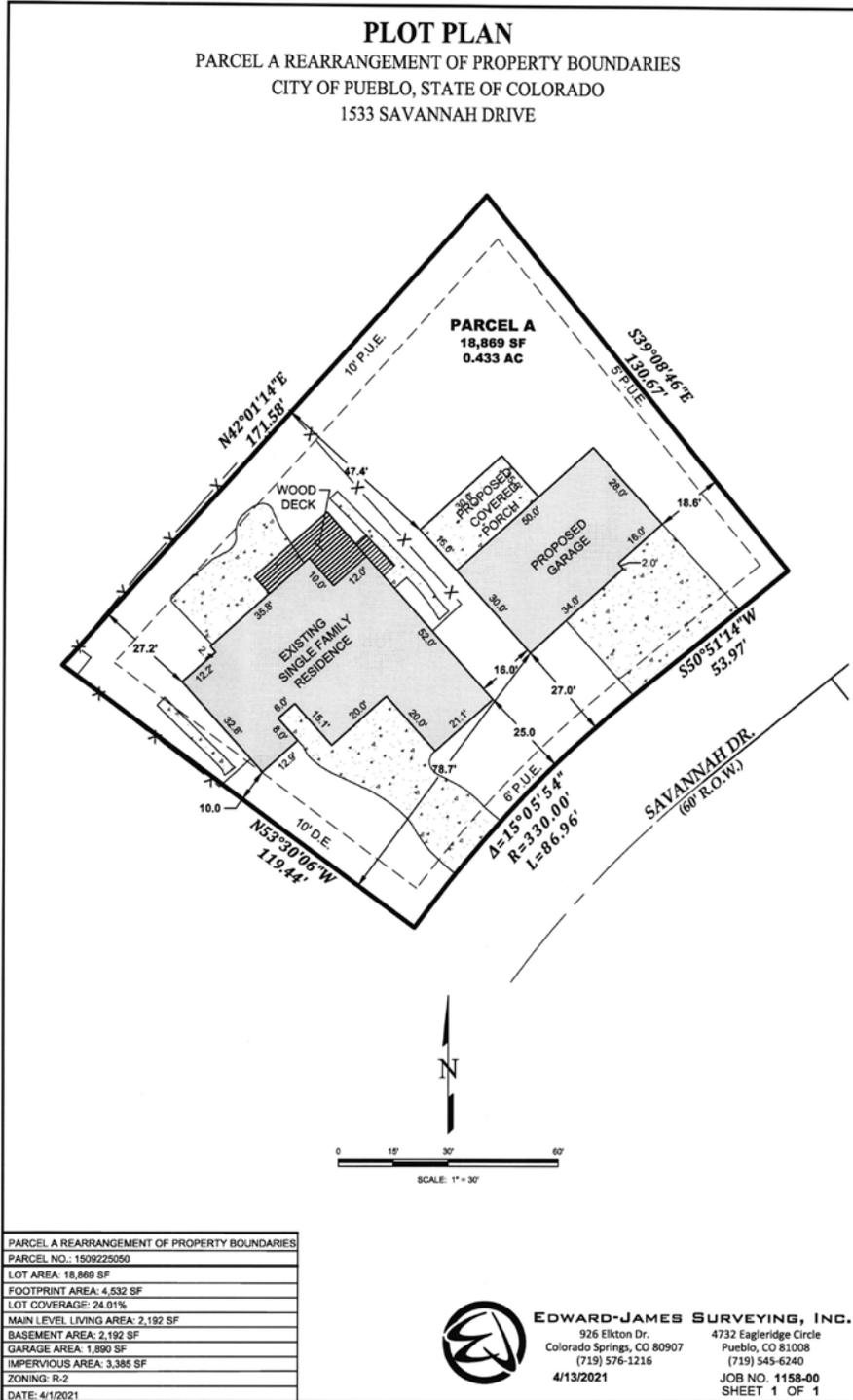
06/2020

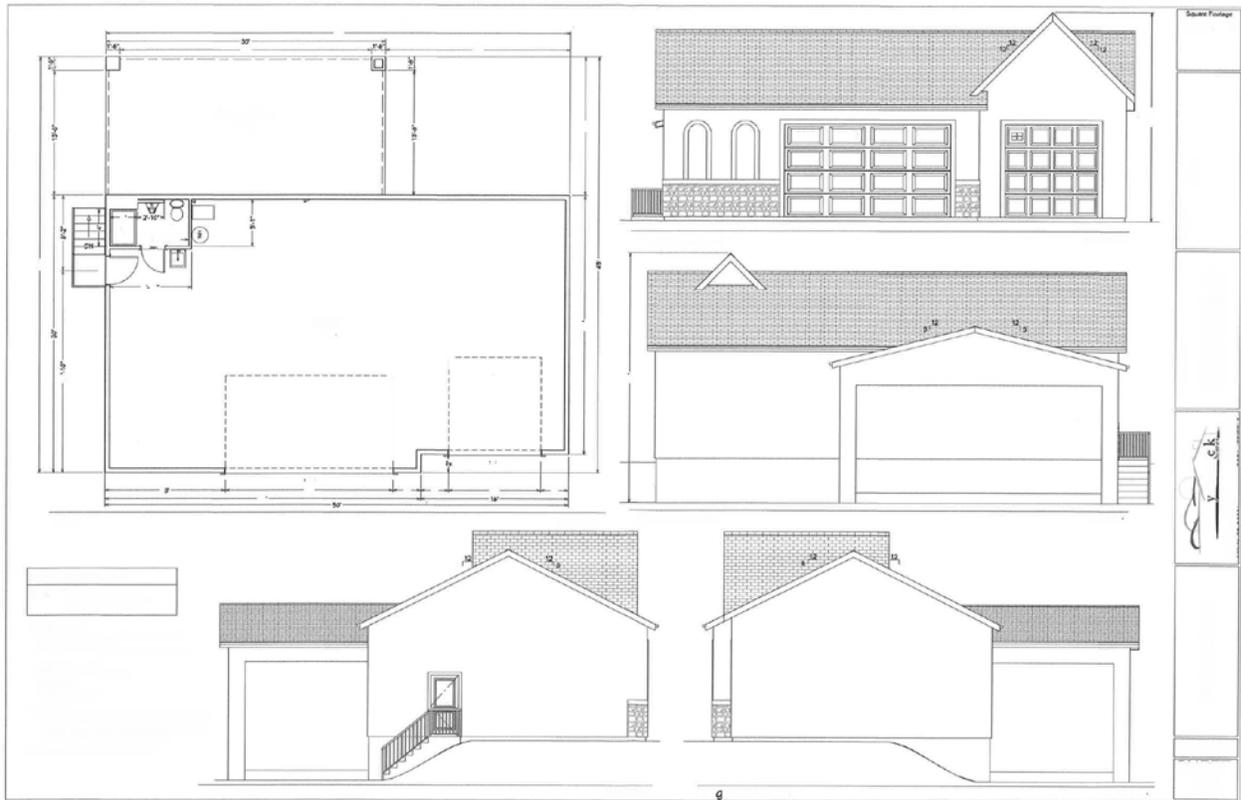
(Continue Next Page)(Continued from Page 1)

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 type="checkbox"/> E. Photographs. <input checked="" 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:	Jennifer Sparks
	Signature:	<i>[Signature]</i> Date: 4/29/2021
	Applicant, if different from Property Owner	
Print Name:	CHUCK WOOD	
Signature:	<i>[Signature]</i> Date: 4-29-2021	

Office Use Only	Zoning Compliance (Completed by City Staff)	
	Application received by: Reviewed by BART M.	Date: 4-29-2021
	Application checked for completeness by:	Date:
	Case Manager:	Fee Paid: 4-29-2021
	Hearing date:	<input type="checkbox"/> Approved
	Case #:	<input type="checkbox"/> Denied <input type="checkbox"/> Approved w/conditions

Exhibit I. Supporting Documents





Pueblo County Assessor Parcel 1509225050

Name: SPARKS DOUGLAS DAVID JR
Location Address: 1533 SAVANNAH DR, PUEBLO, CO 81005 3533
Mailing Address: 1533 SAVANNAH DR, PUEBLO, CO 81005 3533
Assessor Nbhd: 126 (REGENCY RIDGE) **Tax District:** 60B

Legal Description: PARCEL A REARRANGEMENT OF PROPERTY BOUNDARIES
 LL-18-02 FORMERLY #15-092-25-022 + 023

Land Information:	Abstract Class N/A	ActualValue N/A	Assessed N/A
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Improvements:	N/A	0	0
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Total Value, Land and Imps: 0 0

Current Tax Information for tax year 2020

Mill Levy: 0	Property Type: PCD FEE	Total Tax Amount: \$	\$51.38
Mill Levy: 99.08	Property Type: REAL	Total Tax Amount: \$	\$2,731.64

Current Transfer Information

<u>Sale Date</u>	<u>Sale Amount</u>	<u>Grantor</u>	<u>Grantee</u>	<u>Other Details</u>
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Attachment A: Justification of Facts

Neighborhood Compatibility:

This Parcel is the result of a lot line rearrangement combining 2 residential lots in a R-2 zone district. The existing house was built entirely within the setbacks of what an original single lot with the 2nd lot added to the parcel as a side yard. A 1468 sqft detached garage is currently being processed for building permits. See Site Plan attached.

The neighborhood covenants are silent on accessory building sizes. However, they are explicit on minimum housing structures. If this lot had stayed as an individual lot the minimum footprint size would have had to be 1600 sqft of living area plus a 3 car garage (approx. min. 600 sqft) plus a covered deck of any size could have been added with the only constraint being % lot area coverage. Having a new 1918 sqft footprint, while requiring a zoning variance, actually helps create a compromise between the 1500 stated in the zoning code for accessory buildings and the 2200 derived from covenants for what the original footprint would have been before the lot line rearrangement.

The side yard area the garage and future covered porch is graded for a garden level or walkout use. The back of the garage will define the drop in grade. The porch being on the back of the garage combined with the grade drop of 6 feet will ensure it is barely felt from the street. Additionally, it is attached on the owners side of the garage not neighbors so adds architectural character to the garage for the adjacent side yard neighbor.

Avoiding bad legal precedents:

Because of the combination of 4 factors making this a unique parcel and decision, we don't see a president being set, only a unique situation being resolved.

- a. It is a lot line rearrangement combining 2 lots into 1.
- b. Lot is a walkout with grade separation creating a unique topography.
- c. Parcel backs up to a drainageway ensuring no future resident in the west feels.
- d. Neighborhood covenants encourage larger footprints and coverage not smaller.

Hardship imposed by City Zoning code:

The existing code is meant to address an accessory building added to a single lot. In this case the Parcel is a combination of 2 lots. The code as written is not flexible enough to address this situation without a unique decision derived from the Appeals process.

Hardship unique to this location:

Creating a smaller structure will negatively influence the usability of the lot. Too much space on the lot will negatively impact the feel of massing and cohesiveness the neighborhood was trying to achieve with its zoning and covenant choices.