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ZBA-21-14

To: City of Pueblo Zoning Board of Appeals
From: Bart Mikitowicz, Planner
Through: Scott Hobson, Land Use Administrative Official
Date: 6/22/2021
Request: **Variance to allow for a two-foot (2") side yard setback in a Single-Family (R-1) Zone District**
Site Location: **1803 Lark Bunting Ln, Pueblo, CO 81001**
Legal Description: LOT 30 BLK 118 BELMONT 9TH
Year Built: 1958
Applicant: David Bergman
Property Owner: David Bergman
Zone District: Single-Family (R-1) Zone District

BACKGROUND AND ANALYSIS

1803 Lark Bunting Ln is a 1,123-sf. single family home built in 1958. The building is located in the Belmont Subdivision, to the southwest of Colorado State University. The applicant is requesting a Variance to allow for a two-foot (2") side yard setback in a Single-Family (R-1) Zone District to facilitate the construction of a two-hundred seventy (270-sf) square foot garage. In accordance with 17-4-23(a)(3) of the Pueblo Municipal Code (PMC), the applicant is required to obtain a Variance in order to complete this project.

The garage addition is located on the east side of the property. It may be placed up-to two (2') feet in front of the existing structure because the of the principle structure's excessive twenty-seven (27') foot front yard setback, without requiring an additional variance. The irregular pie-like shape of the lot, which tappers from the widest section in front to narrowest in rear this parcel presents several developmental disadvantages. First, the majority of the lot's square footage is located in the unbuildable portion of the front yard setback. Secondly, due the placement of the house parallel with the front lot line the side setback's form acute angles making it impossible to place a regular rectangular building on the lot's side or rear without encroaching into the setback.

The site does have an existing garage, the dimensions do not reflect what is needed for most modern vehicle storage. The adjacent property to the east of the subject property, would be the only parcel directly affected by this project. The adjacent property is properly setback and sits approximately five (5') feet above the subject property due to the slope of the land which they are built, which mitigates any encroachment of light and air space.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Single Family Residential (R-1) Zone District	Single Family Residential
East	Single Family Residential (R-1) Zone District	Single Family Residential
South	Single Family Residential (R-1) Zone District	Single Family Residential
West	Single Family Residential (R-1) Zone District	Single Family Residential

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 adjacent property to the east of the subject property, would be the only parcel directly effected by this project. The adjacent property is properly setback and sits approximately five (5') feet above the subject property due to the slope of the land which they are built, which mitigates any encroachment of light and air space.

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 proposed garage is contained within a single, developed parcel and will not affect 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: Affirmative Finding. While the site does have an existing garage, the dimensions do not reflect what is needed for most modern vehicle storage. Also, the lot constants make it difficult to design an addition that would comply with the code.

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. Due to the taper of the from front to rear, the side and rear setback create a developmental disadvantage whereas the majority of the lots excess square footage is in the unbuildable section of the front setback.

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.

A. The structure must include gutters and downspouts along the east elevation in which all stormwater and debris is directed onto the subject property and no structural encroachment occurs.

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: 6/22/2021	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by ZBA-21-14
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)

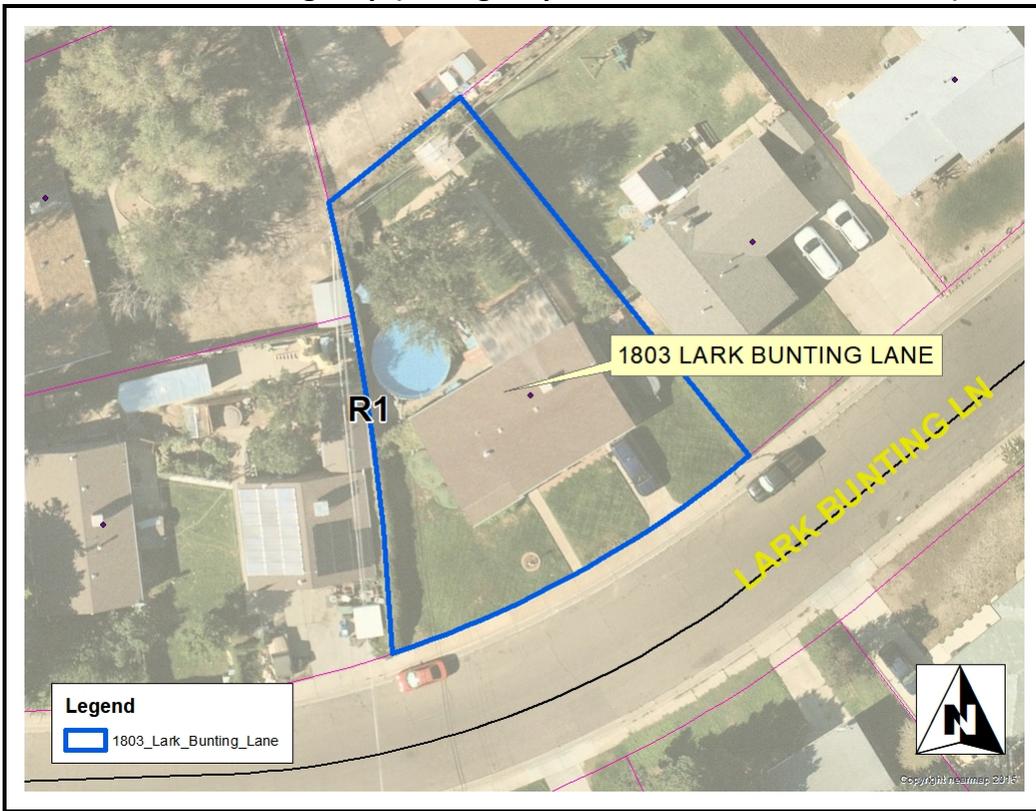


Exhibit E. Comprehensive Plan

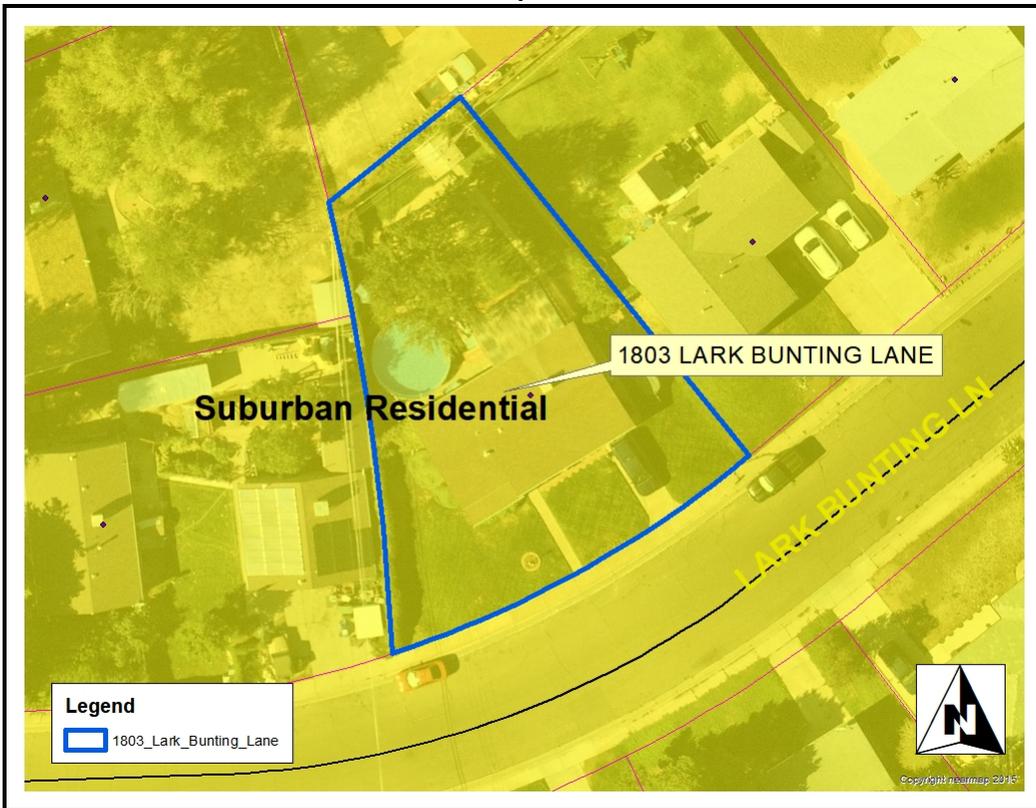


Exhibit F. Public Notice



Exhibit G. Site Pictures



Taken from Lark Bunting facing northwest

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: <i>BERGMAN, DAVID</i>		Name:	
	Address: <i>1803 LARK BUNTING LN</i>		Company:	
	City, State & Zip: <i>PUEBLO CO 81001</i>		Address:	
	Phone: <i>(719) 334-3663</i>		City, State & Zip:	
	Email: <i>david.bergman@state.co.us</i>		Phone: ()	Cell: ()
		Email:		
<i>The applicant will be the primary contact unless otherwise noted.</i>				
Property Info	Project Location: <i>1803 LARK BUNTING LN PUEBLO CO 81001</i>			
	Legal Description:			
	Parcel No:		Existing Zone:	
	Property Size:			
Project Information	General Information			
	Provide a short description of the proposed request: (separate narrative as Attachment A also required)			
	<i>I WOULD LIKE TO ADD ON TO MY EXISTING GARAGE TO CREATE ADDITIONAL PARKING SPACE; AS WELL AS, SQUARE FOOTAGE OF THE EXISTING STRUCTURE. CURRENTLY I ONLY HAVE A SMALL ONE CAR GARAGE.</i>			
	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 checked="" 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: _____			

(Continue Next Page)

10/2019

(Continued from Page 1)

Attachments	Attachment Checklist:	
	The following list of attachments are required to accompany all applications: <input type="checkbox"/> A. Detailed explanation of the request as listed above. Be specific. <input 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 type="checkbox"/> D. Applicable application (i.e. business license, Home Occupation Questionnaire). <input 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 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: 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.	
	Property Owner	
Signatures	Print Name:	BERGMAN, DAVID
	Signature:	
	Date:	5/28/2021
	Applicant, if different from Property Owner	
Signatures	Print Name:	
	Signature:	Date:

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
	Case #:	<input type="checkbox"/> Denied <input type="checkbox"/> Approved w/conditions

Exhibit I. Supporting Documents

Pueblo County Assessor Parcel 419137029

Name:	BERGMAN DAVID C + ANDREA C			
Location Address:	1803 LARK BUNTING LN, PUEBLO, CO 81001 1612			
Mailing Address:	1803 LARK BUNTING LN, PUEBLO, CO 81001 1612			
Assessor Nbhd:	20 (BONFORTE + CONSTITUTION)			Tax District: 60B
Legal Description:	LOT 30 BLK 118 BELMONT 9TH			
Land Information:	1 X 110	Abstract Class SING FAM RES LAND (R-1)	Actual Value 20000	Assessed 1430
Improvements:		SINGLE FAMILY RES	177784	12710
Total Value, Land and Imps:			197784	14140

Residential Structure #1	Year Built:	1958	Year remodeled:	0
	Rooms:	5	Bedrooms:	3
	Bathrooms:	2		
	First Floor:	1123	Above First Floor:	1123
	Half Story Area:	1123	Total Basement Area:	1024
	Finished Basement:	1024		
	Total Garage Area:	220	Total Carport Area:	0
	Total Porch:	548	Roof Type:	Gable Roo:
	Composition:	Asphalt Sgls		
	HVAC:			
Fireplace:	NO	Landscaping:	YES	
Misc:	YD INC SHED			

No Photo Available!

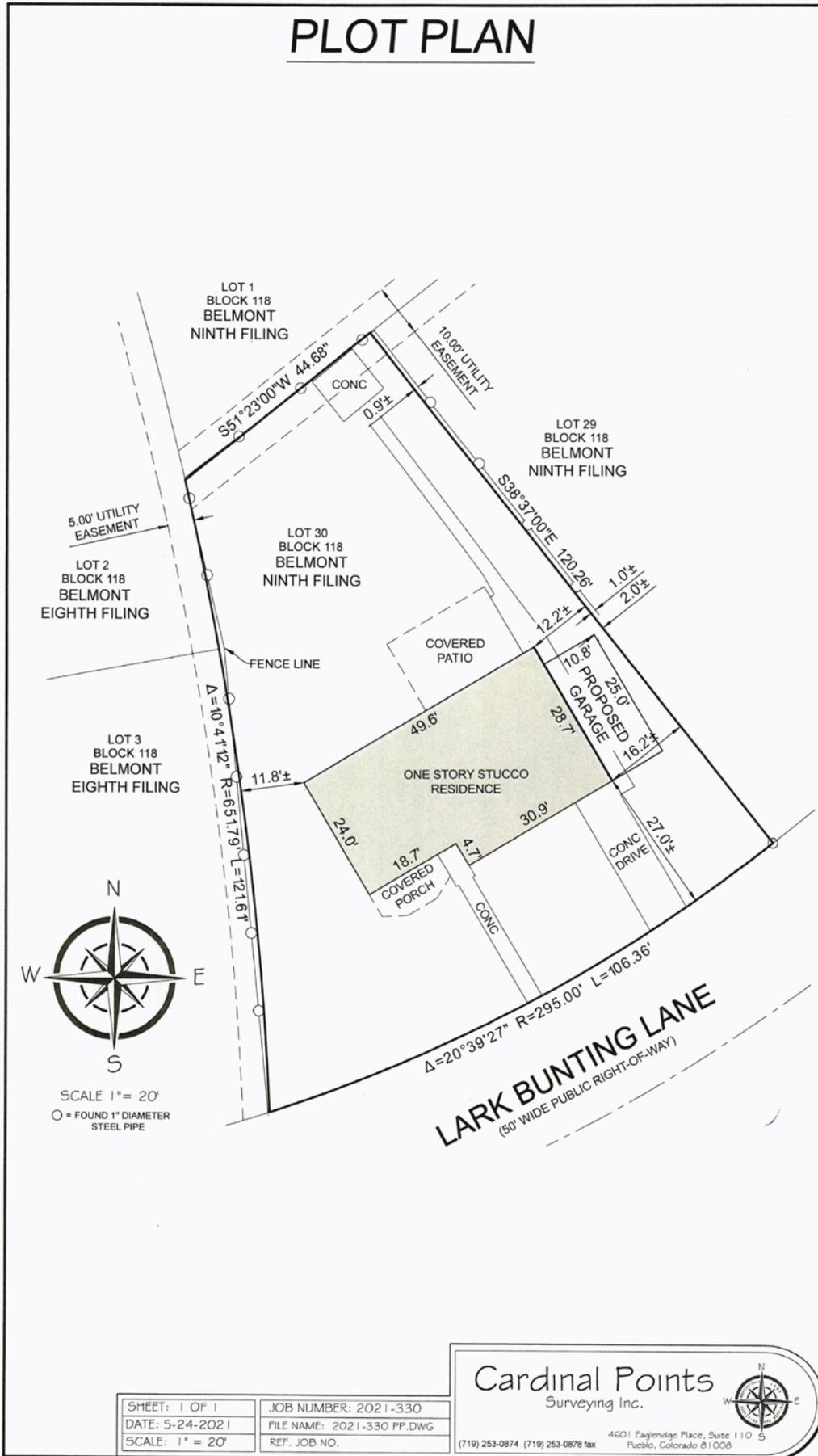
Current Tax Information for tax year 2020

Mill Levy: 0	Property Type: PCD FEE	Total Tax Amount: \$	\$21.16
Mill Levy: 99.08	Property Type: REAL	Total Tax Amount: \$	\$1,123.58

Current Transfer Information

<u>Sale Date</u>	<u>Sale Amount</u>	<u>Grantor</u>	<u>Grantee</u>	<u>Other Details</u>
07/22/02 1450671	N/A	BERGMAN D C/SHANNON	BERGMAN DAVID C + AN	Rcpt# 1450671 Bk/Pg 0/0
03/15/00 1325104	99900	CONE ELIZABETH	BERGMAN D C/SHANNON	Rcpt# 1325104 Bk/Pg 0/0 HISTORY UPDATE
01/24/86 792155	N/A	CONE CHARLES K + ELI CONE	ELIZABETH	Rcpt# 792155 Bk/Pg 0/0
N/A 122935	N/A	CONE (CHARLES K) + ELI CONE	(CHARLES K) + ELI	Rcpt# 122935 Bk/Pg 0/0

PLOT PLAN



SHEET: 1 OF 1	JOB NUMBER: 2021-330
DATE: 5-24-2021	FILE NAME: 2021-330 PP.DWG
SCALE: 1" = 20'	REF. JOB NO.

Cardinal Points
Surveying Inc.



4601 Eagleidge Place, Suite 110 5
Pueblo, Colorado 81008
(719) 253-0874 (719) 253-0878 fax

David Bergman
1803 Lark Bunting Ln.
Pueblo Co 81001

Attachment A: Checklist

I would like to add on to my existing garage to create additional parking space; as well as, additional square footage of the existing structure. Currently, I only have a small single car garage. Because of the unique pie shape of my lot and no alley access, I am requesting a variance to construct the additional garage within two feet of the existing property line and if possible approx. 3' forward towards the sidewalk easement. This will allow additional space to create a second single car attached garage or expand the existing garage to a double car space. I am requesting a variance to the 5' set back and if possible an additional variance to move the garage forward three foot towards the sidewalk if needed.

A. Detailed explanation of the request as listed above.

I would like to add an additional 10.8' x 25' as depicted in the Plot Plan attachment. This may be adjusted slightly in width and depth to allow for a slightly larger opening while maintaining a 2' distance from the property line. I am also requesting the ability to move the garage forward towards the sidewalk approx. 3' if needed to provide appropriate width for the garage due to the angle of the house and shape of the lot. This would provide an approx. 24' easement to the sidewalk.

B. Justification of facts required for the request.

ILC and Boundary Survey were conducted to establish actual property line and dimensions that would support a 2' set back from the property line and if possible 3' variance from the 25' easement to the sidewalk.

C. Sight plan, if variance. Must depict requested variance on plan.

See attached Plot Plan with addition and requested 2' variance.

F. Additional information that you believe justifies this request.

The unique shape of my lot creates a challenge to add a larger garage without requesting a variance. This is the only lot on the block that is pie shaped and not square. There is no alley access to the property. There are power lines on the West and North sides of the property. There is also a gas meter on the West side of the property with a shorter distance from the established property line. The shape and size of the backyard prevent the garage from being placed in the back. This makes the proposed addition to the East side of the structure my only option.