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Georgia Way

ZBA-21-27

Hearing Date: October 26, 2021

TO: City of Pueblo Zoning Board of Appeals
FROM: Bart Mikitowicz, Planner
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 1602 E. 10th St., Pueblo, CO 81001
APPLICANT: Irene Acosta
PROPERTY OWNER: Irene Acosta
YEAR BUILT: 1920
LEGAL DESCRIPTION: LOTS 1 + 2 BLK 192 EAST PUEBLO HEIGHTS ADD
ZONE DISTRICT: Single-Family Residential (R-2) Zone District
PARCEL ID: 429321009
LOT SIZE: 6,000 sqft

REQUEST: A Variance to allow for an addition of gross floor area greater than forty percent (40%) to a nonconforming, single-family home in a Single-Family Residential (R-2) Zone District.

SYNOPSIS OF REQUEST

The applicant is requesting to build a four hundred (400 sqft) square foot addition onto an existing non-conforming, single-family home located at 1602 E. 10th St. The existing single-family home, built in 1920, is non-conforming because of an inadequate front yard setback of approx. eighteen (18') feet, whereas the district standard for the R-2 Zone District is twenty-five (25') feet. Furthermore, because the house itself is relatively small, four hundred (400 sqft) square feet the proportion of the addition to the existing is an increase of one hundred (100%) percent. According to section 17-3-4 (5) of the Pueblo Municipal Code (pertaining to Nonconforming Structures), "Any enlargement that is greater than forty percent (40%) of the gross floor area, is taller than the original building, or any addition that encroaches into a required setback, must be approved with a permit or variance from the Zoning Board of Appeals." Therefore, in accordance with the Pueblo Municipal Code, a Variance must be granted before a building permit can be issued for the proposed addition.

ANALYSIS OF REQUEST

The subject property is six thousand (6,000 sqft) square foot lot with a four hundred square foot (400 sqft) two-bedroom single family home built in 1920 facing W 10th Street. The residence is in the East Pueblo Heights Addition Subdivision, east of Mitchell Park. The house is small by modern standards and the proposed addition would not create any additional encroachments into the property setbacks. The principle structure is non-conforming because of the inadequate front yard setback, however this nonconformance is shared by several of the neighboring properties. Regardless, according to the Pueblo Municipal Code a variance is required in the case of a significant enlargement to a non-conforming structure. The applicant is also aware that the addition will trigger public improvements including but not limited to the installation of new sidewalks along property on both 10th Street and Ogden Avenue. After reviewing the case and working with the applicant the planning department staff recommends approval of the variance

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	Single-family Residential (R-4) 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 addition will not reduce light and air to adjacent 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 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: Affirmative Finding. The house was built in 1920 with two bedrooms and a bathroom. Strict adherence to the code would not allow for the requested expansion of the bedrooms to support the needs of a family trying to occupy the residence.

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 age of the principle structure being a hundred years old, it does not meet many of the spatial standards of modern development, and since it was built before the zoning code it does not comply with the district setbacks.

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: 10/26/2021	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 10/26/2022
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 <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

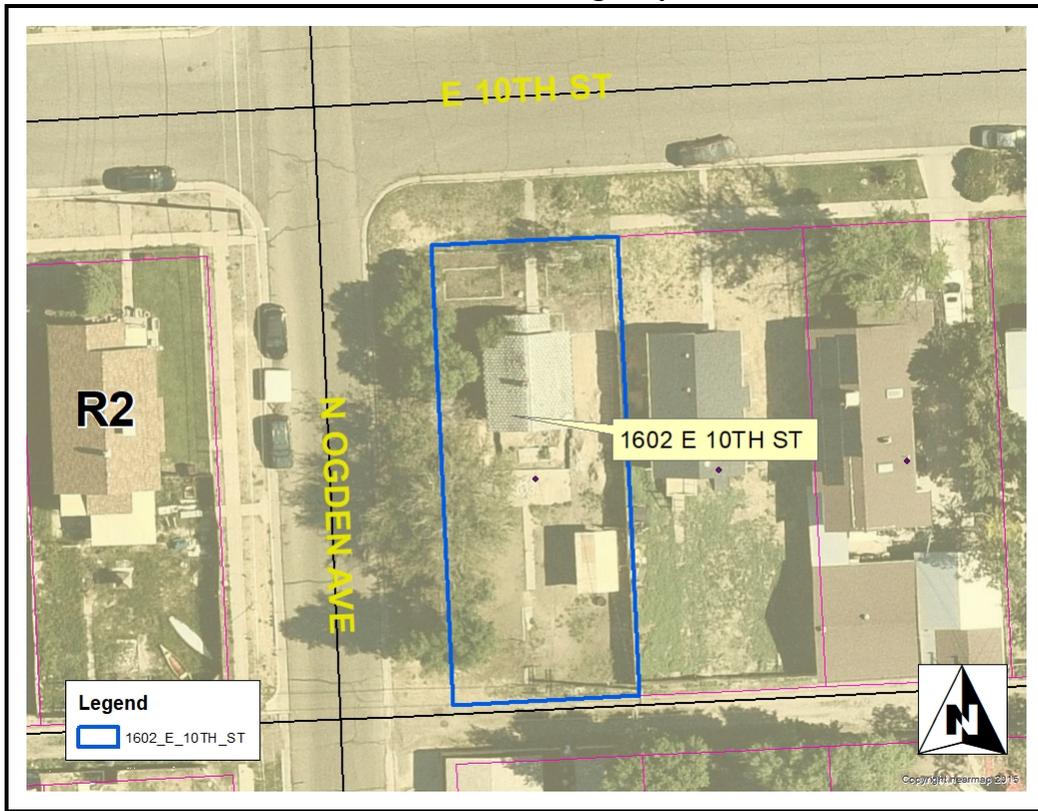


Exhibit E. Comprehensive Plan Map

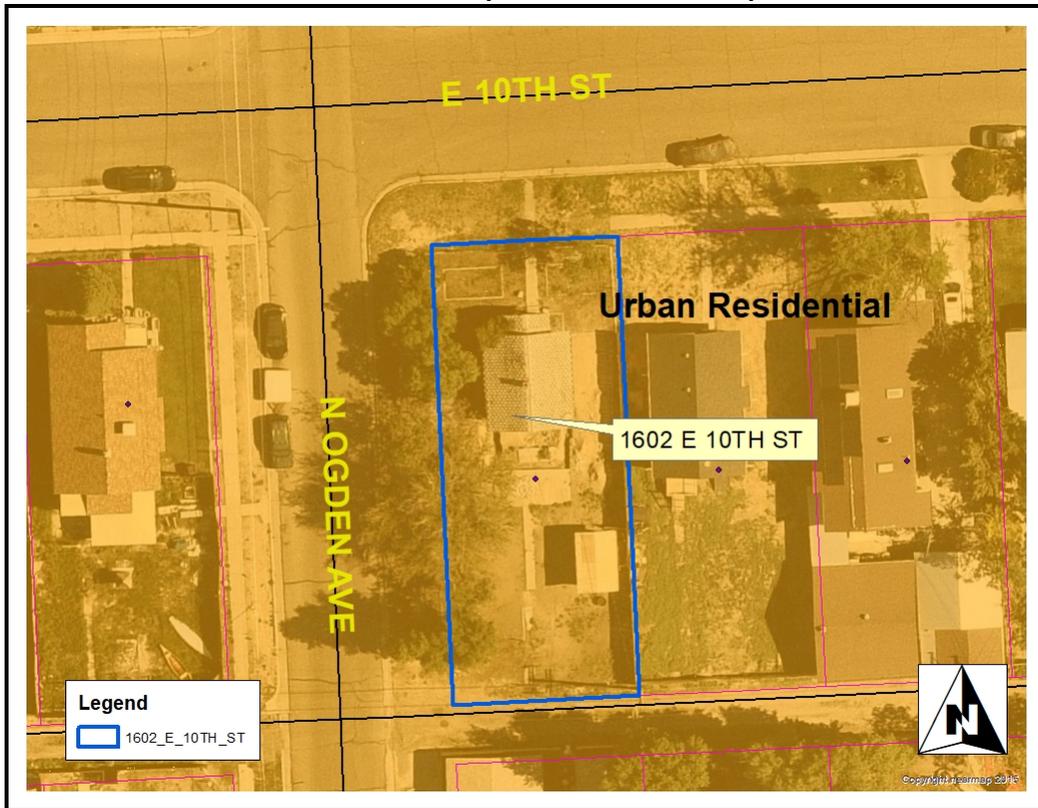
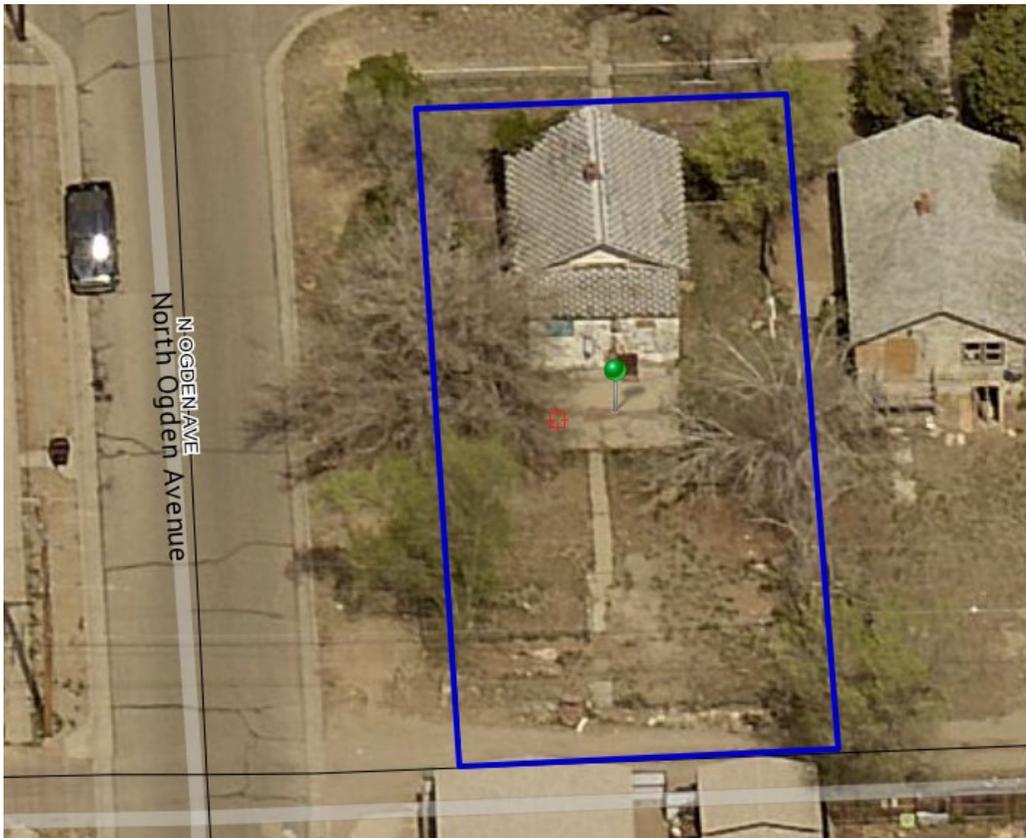


Exhibit F. Public Notice



Taken from 10th St facing south.

G. Site Pictures



Exhibit

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 #:

Property Owner:		Applicant (If different from property owner):	
Contact Info	Name: <u>Tina Acosta</u>	Name:	
	Address: <u>1602 E 10th St</u>	Company:	
	City, State & Zip: <u>Pueblo Co. 81001</u>	Address:	
	Phone: <u>(719) 949-4564</u>	City, State & Zip:	
	Email: <u>tinaac7660@yahoo.com</u>	Phone: ()	Cell: ()
		Email:	
<i>The applicant will be the primary contact unless otherwise noted.</i>			
Property Info	Project Location: <u>1602 E 10th St Pueblo Co 81001</u>		
	Legal Description: <u>H2 Blk 192 east Pueblo Heights Add</u>		
	Parcel No: <u>04299321009</u>	Existing Zone: <u>R2</u>	
	Property Size: <u>50x125</u>		
Project Information	General Information		
	Provide a short description of the proposed request: <u>400 sqft addition to house additional family</u>		
	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: <u>50% addition</u> <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: _____		

06/2020

** Written or typed.*

(Continue Next Page)(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 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. <i>EXPLANATION</i> ♥ <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:	
	Signature:	Date:
	Applicant, if different from Property Owner	
	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 <input type="checkbox"/> Denied <input type="checkbox"/> Approved w/conditions
	Case #:	

Exhibit I. Supporting Documents

Pueblo County Assessor Parcel 429321009

Name: BARRANDEY IRENE ACOSTA
Location Address: 1602 E 10TH ST, PUEBLO, CO 81001 3207
Mailing Address: 1602 E 10TH ST, PUEBLO, CO 81001 3207
Assessor Nbhd: 10 (EAST PUEBLO HEIGHTS) **Tax District:** 60B
Legal Description: LOTS 1 + 2 BLK 192 EAST PUEBLO HEIGHTS ADD
Land Information: 6000.00 SqFt **Abstract Class** SING FAM RES LAND (R-2) **Actual Value** 5750 **Assessed** 4100
Improvements: SINGLE FAMILY RES 52015 3720

Total Value, Land and Imps:	57765	41300
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Residential Structure #1	Year Built: 1920	Year remodeled: 0
No Garage or Carport	Rooms: 4	Bedrooms: 2
Above Average Quality	Bathrooms: 1	
Effective Year Built: 1945	First Floor: 400	Above First Floor: 400
	Half Story Area: 400	Total Basement Area: 400
	Finished Basement: 0	
No Photo Available!	Total Garage Area: 0	Total Carport Area: 0
	Total Porch: 466	Roof Type: Gable Ro
	Composition: Asphalt Sgls	
	HVAC:	
	Fireplace: NO	Landscaping: NO
	Misc: SHED	

Current Tax Information for tax year 2020

Mill Levy: 0	Property Type: PCD FEE	Total Tax Amount: \$	\$3.2
Mill Levy: 99.08	Property Type: REAL	Total Tax Amount: \$	\$171.4

...(Continued on next page)...

August 20/2021

Hello everyone, I am writing this letter today because I am requesting to expand my house due to the following reasons. The house itself is a very small house, we are a family of five. The house would need to have an additional two bedrooms to make it a comfortable living situation for my family and I hope you all could take this into consideration. Thank you for taking the time to read my request.

Gene A.

