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Lisa Bailey
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Georgia Way

ZBA-21-31

Hearing Date: November 23, 2021

TO: City of Pueblo Zoning Board of Appeals
FROM: Danielle Baxter, Planner
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 4764 Patriot Court, Pueblo CO 81001
APPLICANT: Melissa Harrison
PROPERTY OWNER: Melissa Harrison
YEAR BUILT: Undeveloped
LEGAL DESCRIPTION: LOT 11 BLK 3 WALKING STICK VISTA FILING NO 1 FORMERLY #04-080-00-020
ZONE DISTRICT: Walking Stick Vista Planned Unit Development (PUD)
PARCEL ID: 408311011
LOT SIZE: 13,062 sqft

REQUEST:	A Variance to allow a ten foot (10') rear yard setback in the Walking Stick Vista Planned Unit Development (PUD).
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SYNOPSIS OF REQUEST

The applicant is requesting a variance to allow a ten foot (10') rear yard setback for a new single-family residence on an undeveloped lot in the Walking Stick Vista Planned Unit Development (PUD). The original Walking Stick Vista PUD was recorded on April 15, 2008. The PUD requires a twenty-foot (20') rear yard setback for a single-family detached structure with a lot width of 60-74 feet and the lot in question has a 69 foot lot width along Patriot Court.

According to section 17-8-16 of the Pueblo Municipal Code (pertaining to Planned Unit Development Applicability), "The City Council hereby declares that the creation of a PUD Zone District or Development Plan is a local and municipal matter and that it has enacted the ordinance codified herein with the intention of superseding, within the territorial limits and other jurisdictions of the City, the Planned Unit Development Act of 1972, Article 67 of Title 24, C.R.S." Therefore, in accordance with the Pueblo Municipal Code, a Variance must be granted before a building permit can be issued for the proposed single-family residence.

ANALYSIS OF REQUEST

The subject property is a thirteen thousand sixty-two (13,062 sqft) square foot undeveloped lot. The proposed residence is in the Walking Stick Vista Subdivision, north of Walking Stick Golf Course. The lot fronts Patriot Court and backs up to Parcel F, which sits adjacent to Cedarweed Blvd. Parcel F is dedicated to the public for pedestrian purposes and is owned and maintained by the Homeowners Association. Parcel F is currently undeveloped; however, according to the Subdivision Improvement Agreement, Parcel F should have been improved with a sidewalk and landscaping with the first residential Certificate of Occupancy within the Subdivision. Once developed, Parcel F will contain a 10-foot-wide meandering sidewalk, trees adjacent to Cedarweed Blvd., Kentucky Bluegrass turf and a mixture of ornamental grasses. The lots to the north and west are also undeveloped.

Lot 11, Blk 3, Walking Stick Vista has a unique shape and a shallow depth compared to the adjacent lots. The front of the lot along Patriot Court is about 69 feet wide and the rear of the lot is about 187 feet wide. The

westerly side property line is approximately 98-feet in depth and the easterly side property line is longer at 146 feet; however, the easterly property line is platted with a less than a 45-degree angle creating a lot with a shallow depth and limited buildable area. The lot is divided by a topographical land shelf, which is about ten to fifteen feet in height. The applicant has worked with the builder to develop a single-family residence that works around the shelf and shallow lot depth, but it reduces the rear-yard setback by 10-feet. With the current topography and addressing point for the lot, the applicant’s two-story front entry will be located off Patriot Court. However, the architectural plans indicate typical front entry architectural features for the house façade that faces Parcel F and Cedarweed Blvd. Despite the appearance of a front entry along Cedarweed Blvd., there will be no vehicular access from Cedarweed because Parcel F is dedicated to the public for pedestrian purposes.

The front and side yard setbacks of 20 feet and seven feet will be maintained. There is a six-foot private utility easement in the front yard bordering Patriot Court. There is also a 10-foot public utility easement on the rear property line. This will accommodate a 10-foot rear yard setback with the house abutting the ten-foot public utility easement, but not encroach.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Planned Unit Development (PUD) Zone District	Undeveloped Lot
East	Single-family Residential (R-2) Zone District	Cedarweed Blvd; Single-family Residential
South	Single-family Residential (R-2) Zone District	Cedarweed Blvd; Single-family Residential
West	Planned Unit Development (PUD) Zone District	Undeveloped Lots

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 reduced rear yard setback will not reduce light and air to adjacent properties as this lot is similar to a through lot, meaning it has a street adjacent to the front and the rear of the lots. Front and side yard setbacks and existing easements will not be affected by the variance.

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: Neutral finding. This variance will not negatively affect land use planning or the location of streets and highways. However, allowing a 10-foot rear-yard variance will place the proposed single-family home much closer to Parcel F and Cedarweed Blvd. than the homes that will be constructed to the west. The proposed rear setback variance does not impede any easements.

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

Comments: Affirmative Finding. The lot has a large topographical shelf with a height, which is about 10-15 feet tall. The applicant has designed a home around the topographical shelf resulting in an encroachment into the standard rear-yard setback.

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 topographical shelf running northeast to southwest through the property and the shallow depth of the lot, there is a unique hardship for single-family residential construction. Other lots along Hero Way may request variances to accommodate single-family residential construction with this shelf. The front of the lot facing Patriot Court is approximately 69 feet and the rear property line facing Cedarweed Blvd is approximately 187 feet.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board chooses to approve this Variance 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: 11/23/2021	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 11/23/2022
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

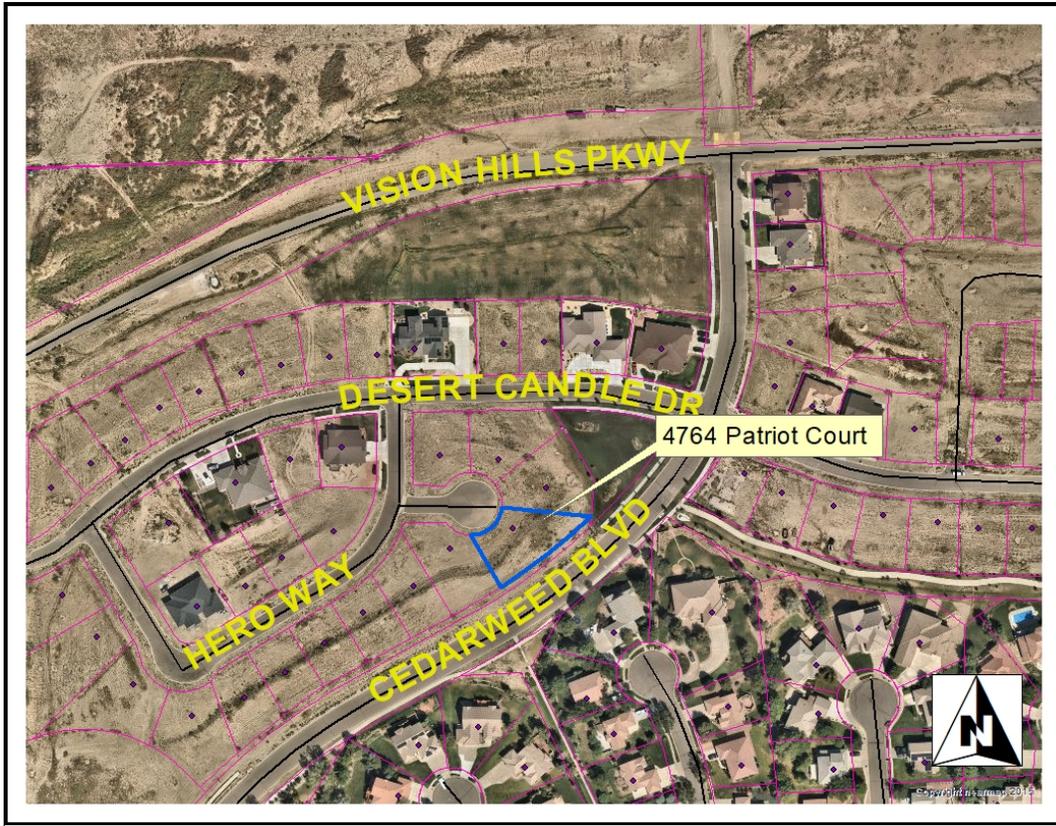


Exhibit C. Site Map

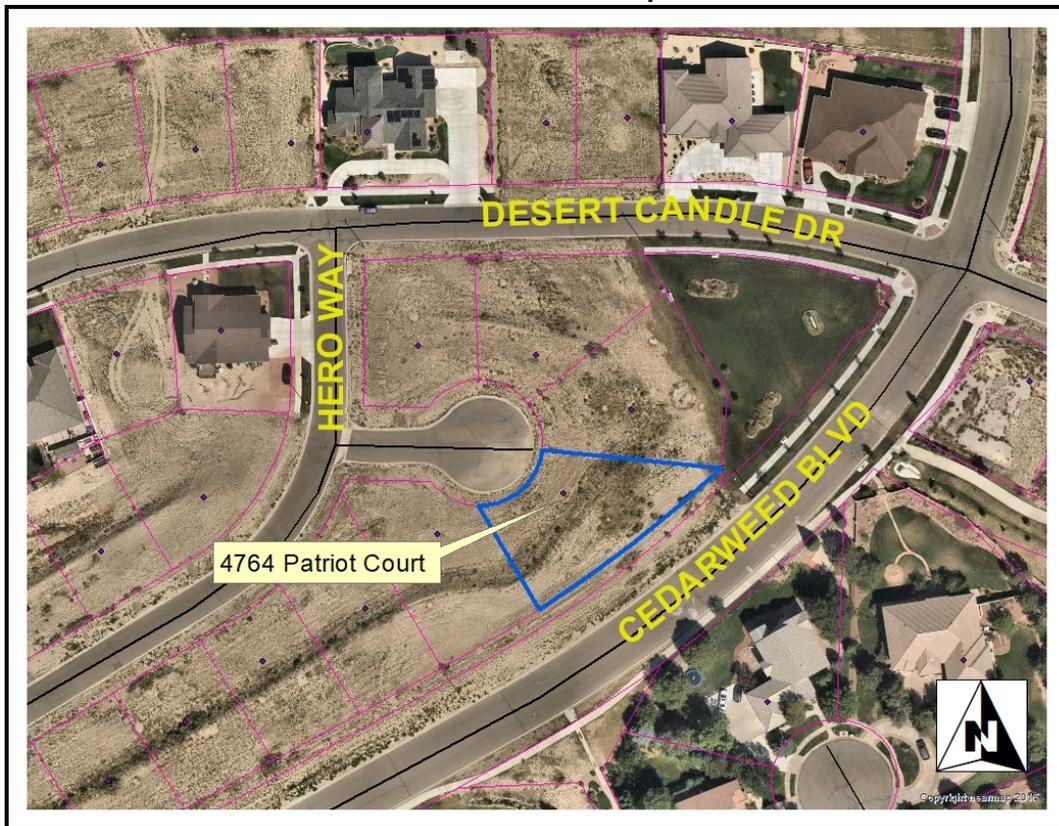


Exhibit D. Zoning Map

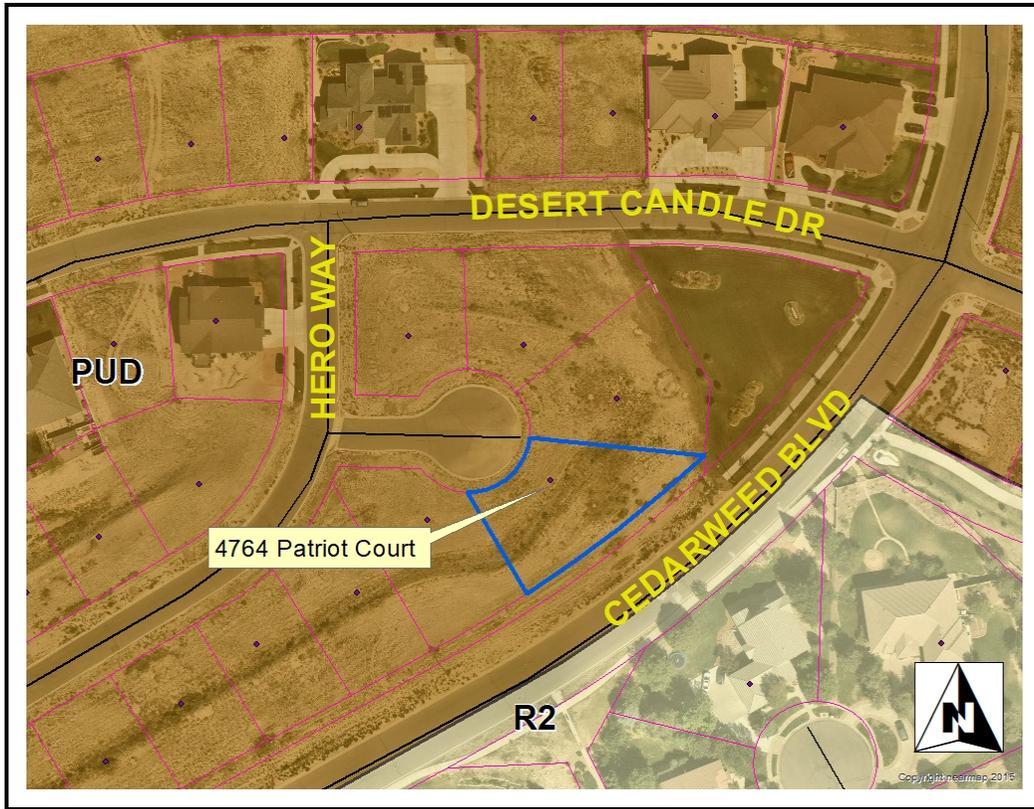


Exhibit E. Comprehensive Plan Map

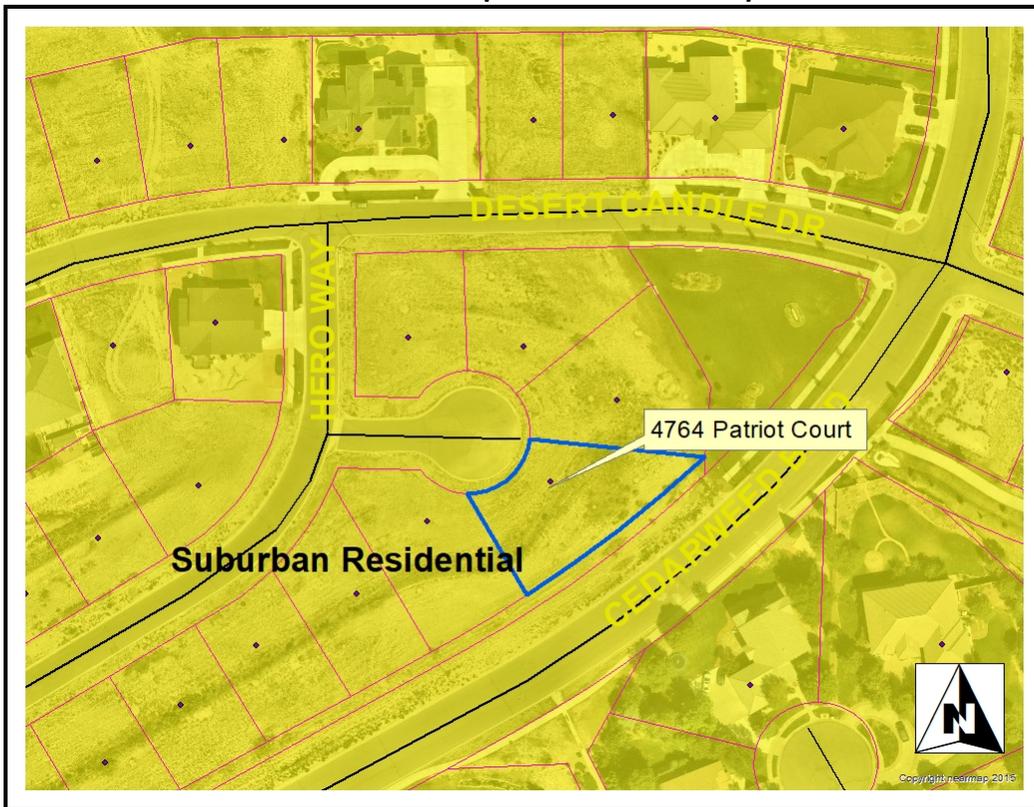


Exhibit F. Public Notice



Taken from Patriot Court.

G. Site Pictures



Taken from Patriot Court facing south.



Taken from Patriot Court facing south.

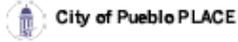


Taken from Patriot Court facing south.



Taken from Patriot Court facing southwest.

Exhibit H. Application



11/02/2021

21-24

Zoning Board of Appeals (Special Use Permit & Variances)

Status: Active

Date Created: Oct 29, 2021

Applicant

Melissa Harrison
melissa@theequitygroup.net
1008 Alexander Circle
Pueblo, CO 81001
2624964012

Location

4764 PATRIOT CT
PUEBLO, CO 81001

Owner:

HARRISON MELISSA HARRISON ALBERT ,
1008 ALEXANDER CIR PUEBLO , CO 81001-2017

Internal

ZBA Case Number

ZBA-21-31

Planner Assigned

--

Hearing Date

11/23/2021

Hearing Results

--

Board Conditions

--

Appeal Term End Date

--

Permit Completion Date

--

Specially Requested Hearing

Number of Posters

1

Number of Postcards Sent

6

Cost of Newspaper Notice

--

Public Notice Costs

7

Other Fees:

--

Public Notice costs must be paid by:

--

Public notice zoning poster must be displayed BY:

--

Public Notice zoning poster must be displayed UNTIL:

--

Scope of Work

Type of Request

Variance

Variance Type

Setback

Provide a short description of the proposed request:

We would like to request a 10 ft. variance on Cedarweed Blvd (east side) of Lot 11, Block 3.

What is the general use of the property

Residential

Detailed explanation of the request as listed above.

Our proposed house runs north-south along the length of the lot. We would like to shift the house to the east (towards Cedarweed Blvd) and be 10 ft. in from the required 20 ft setback. Due to public improvement easement in place, our house would still be roughly 46 ft off the curb line. Because of grade (described below), we have to use Patriot Ct side as our backyard which leaves a ton of wasted space on Cedarweed side of house and very small space for backyard use. We also would like to use Patriot Ct side for backyard for safety reasons. We have small children and dogs and feel much safer for them to be playing/using the quieter Patriot Ct cul-de-sac side, compared to higher vehicle/pedestrian traffic on Cedarweed. We believe our variance request is beneficial to the community as a whole.

Justification of facts required for the request. Be specific.

A (Neighborhood compatibility) –

- Variance will not reduce light and air to adjacent properties – right now there are no structures on either side of our property. Also, we are within the required side setback and front and rear setback have roads on each side. 10 ft setback on Cedarweed side, still would leave our house 46 ft from curb line. There is a road between our house and house on east side of Cedarweed so we are very far from obstructing or causing reduction in light/air for this property owner.
- Constitute a nuisance to the properties within one hundred feet – Absolutely will not. There is one property owner on Desert Candle/Hero Way that may be within 100 ft and our house would be moving away from them. Like mentioned above, property owners on east side of Cedarweed Blvd are of significant distance from where we are proposing our house be built.
- Substantially reduce the monetary value of properties within 100 ft – Actually will increase values with variance approval. If our variance is not approved, we will have to redesign and build a smaller house to have appropriate size yard for our use. If we have to build smaller house, value of our house will go down.

B (Avoiding bad legal precedents) – 10 foot variance on Cedarweed side of house would still leave us 46 feet from curb line. The public improvement easement in place will NOT be jeopardized, our house will still comfortably sit back off of curb, sidewalk, and landscape. Our proposed house with variance will NOT create an urban-like style because it is still 46 feet off of the street/curb line.

C (Hardship imposed by City Zoning code) – We face hardship imposed by City Zoning code because of the topography of the lot and required setbacks in the PUD. There is a topographical shelf in the middle of the lot that is 10-15 feet tall. We are building a house to conform to the topographical shelf, but the shape of the lot, and required setbacks are restricting our use of yard space. Therefore, we are requesting a variance for the setbacks so we can create more usable yard space.

D (Hardship unique to this location) – We are experiencing hardship due to the topography issues imposed with this lot. Please see attached pictures included in this request to see severe topographical shelf in the middle of our lot. This has caused us to have "backyard" on Patriot Ct side, because if our backyard was on Cedarweed side, we would have to walk up to second floor to walk out to backyard. The topographical shelf on this lot is forcing us to have designed a house the way we have. Again, the grade change from Cedarweed to Patriot Court is 10-15 foot drop.

Are there any concurrent zoning requests?

No

Terms

Is the applicant and property owner the same?

Yes

Applicant/Property Owner Signature

Melissa Harrison
10/29/2021

Attachments

-  Harrison House_Sheet - X2 - VARIANCE REQUEST.pdf
Uploaded by Melissa Harrison on Oct 29, 2021 at 6:54 am
-  Cedarweed Blvd-converted.pdf
Uploaded by Melissa Harrison on Oct 29, 2021 at 4:28 pm

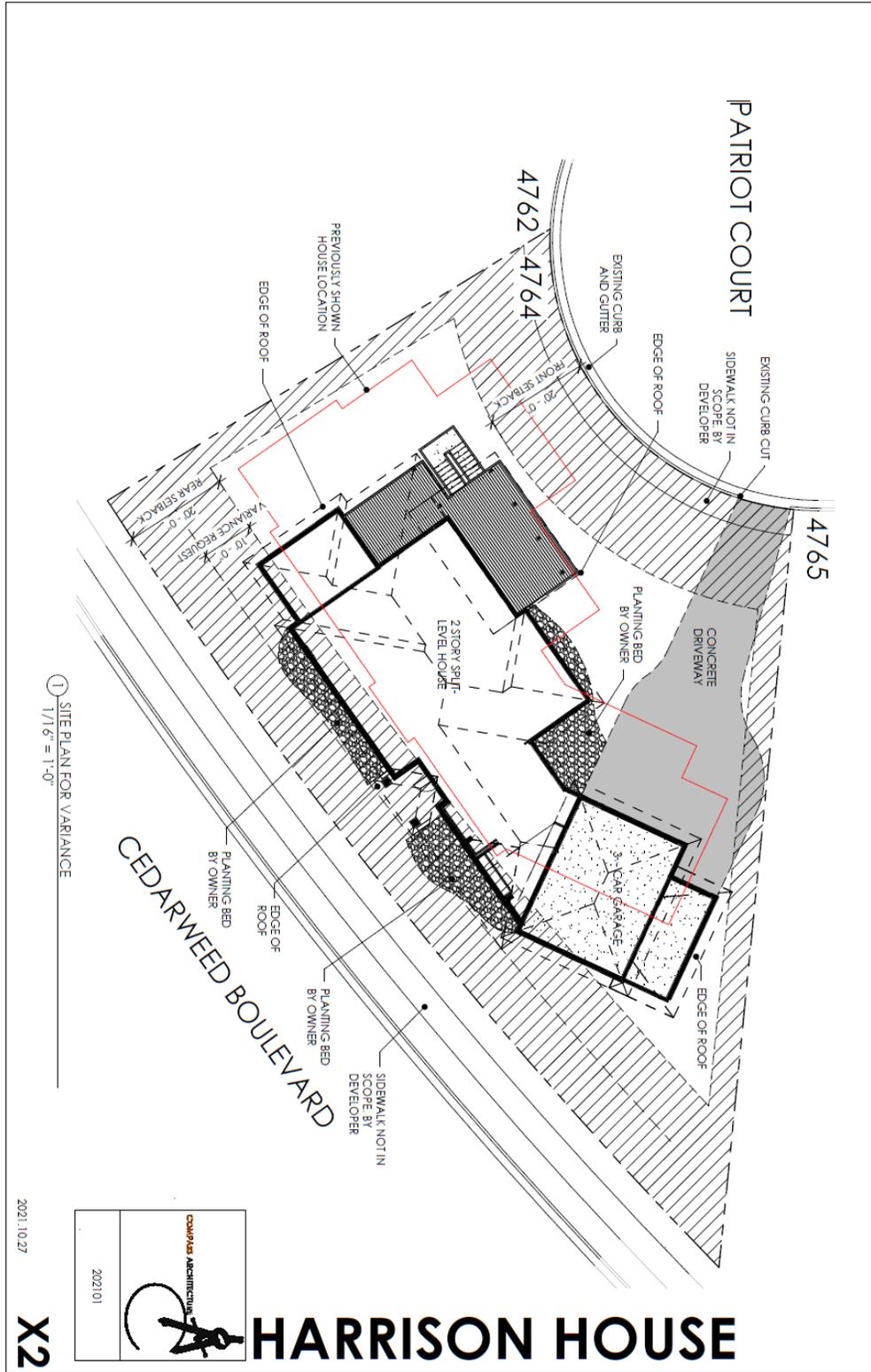


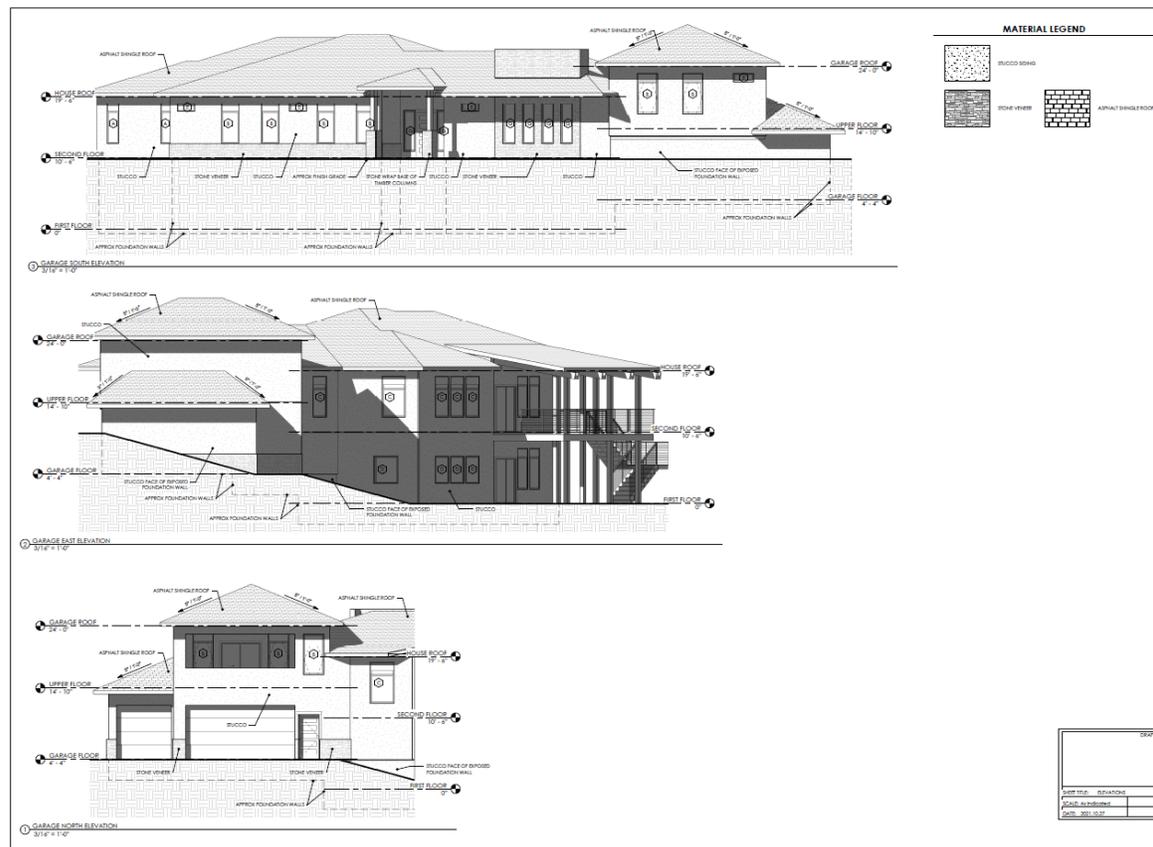
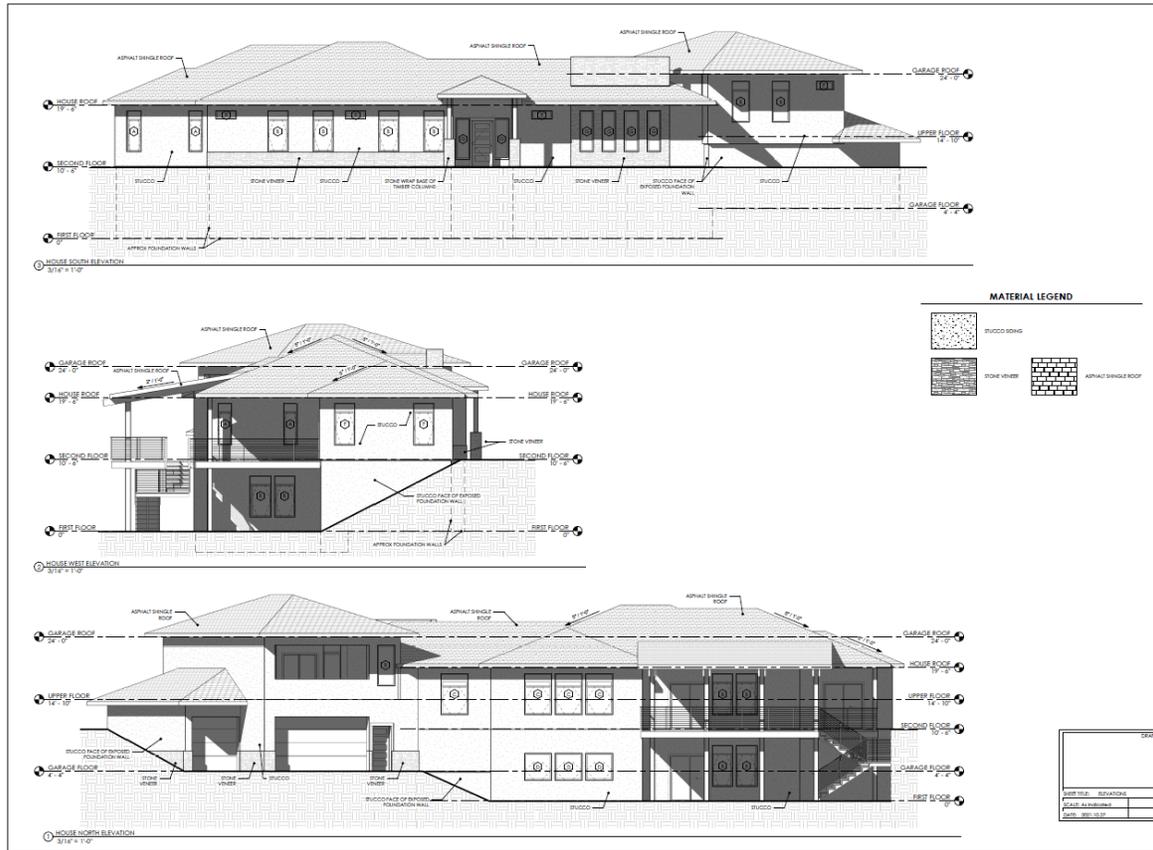
Patriot Ct 1.jpg
Uploaded by Melissa Harrison on Oct 29, 2021 at 2:30 pm



Patriot Ct 2.jpg
Uploaded by Melissa Harrison on Oct 29, 2021 at 2:31 pm

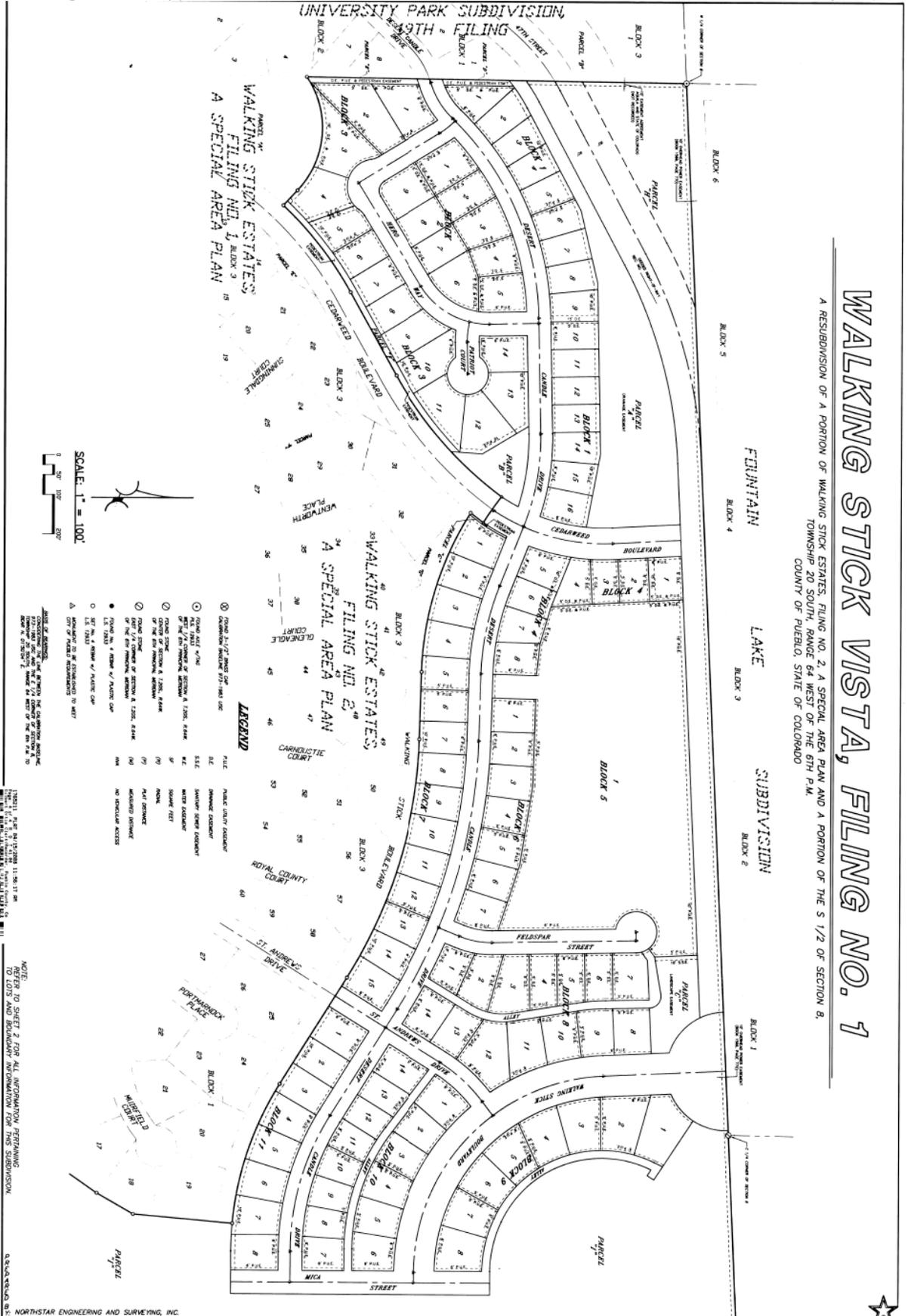
Exhibit I. Supporting Documents





WALKING STICK VISTA, FILING NO. 1

A RESUBDIVISION OF A PORTION OF WALKING STICK ESTATES, FILING NO. 2, A SPECIAL AREA PLAN AND A PORTION OF THE S 1/2 OF SECTION 8, TOWNSHIP 20 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF PUEBLO, STATE OF COLORADO



NORTHSTAR ENGINEERING AND SURVEYING, INC.

NOTE:
 REFER TO SHEET 2 FOR ALL INFORMATION PERTAINING
 TO LOTS AND BOUNDARY INFORMATION FOR THIS SUBDIVISION.

DATE OF RECORDING: 11.09.12 AM
 11:09:12 AM
 11/9/2012 11:09:12 AM

DATE OF RECORDING: 11.09.12 AM
 11:09:12 AM
 11/9/2012 11:09:12 AM

SCALE: 1" = 100'

WALKING STICK ESTATES
 FILING NO. 1
 A SPECIAL AREA PLAN

WALKING STICK ESTATES
 FILING NO. 2
 A SPECIAL AREA PLAN

UNIVERSITY PARK SUBDIVISION
 19TH FILING



City of Pueblo

Zoning Board of Appeals

Case #ZBA-21-31

Property Address: 4764 Patriot Court, Pueblo, CO 81001

Danielle Baxter,

Please accept this letter as my formal approval for the variance application request for 4764 Patriot Court – Melissa Harrison.

Let me know if you need anything further.

Thank you,

A handwritten signature in blue ink, appearing to read "Jim Gilbertson", with several overlapping strokes.

Jim Gilbertson

The Vistas at Walking Stick HOA