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Georgia Way

ZBA-22-05

Hearing Date: 3/22/2022

TO: City of Pueblo Zoning Board of Appeals
FROM: Bart Mikitowicz, Planner
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 1726 Conley St
APPLICANT: Gary Amella
PROPERTY OWNER: Flip A Home In Cali, llc.
YEAR BUILT: 1904
LEGAL DESCRIPTION: W 34 FT OF LOT 6 ALL 7 + 8 BLK 27 CRAIGS ADD
ZONE DISTRICT: One and Two Family Residential (R-3) Zone District
CONCURRENT REQUEST(S): **RPB-22-03: Rearrangement of Property Boundaries 1726 Conley St**
PARCEL ID: 525213005
LOT SIZE: 14,640 sq. ft.

REQUEST:	Variance to reduce the required front and second front setback in a One and Two Family Residential (R-3) Zone District.
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SYNOPSIS OF REQUEST

The applicant is requesting a Variance to reduce the required front and second front-yard setback for the single-family residential structure located on the northwest portion of the parcel. The applicant is seeking to reduce the front-yard setback from 25-feet to 20- feet and the second front yard setback from 12.5 feet to 3.5-feet. The home was built in 1904 and is considered a legal non-conforming structure. The applicant is also requesting to reduce the second front-yard setback for the detached accessory structure, located on the northeastern portion of the parcel, from 12.5 feet to 3.5 feet. The accessory structure is also considered a legal non-conforming structure. The property owner intends to divide the parcel, which consists of the W 34 ft of Lot 6, all of Lots 7 and 8 Block 27, Craigs Addition into two parcels through a rearrangement of property boundaries (RPB-22-03). A variance must be secured for the existing legal non-conforming structures prior to changing the configuration of the parcel of record. The proposed parcels, as rearranged will meet the R-3 area and width requirements.

ANALYSIS OF REQUEST

The 1,816 sq. ft. single family home was built in 1904 and is located in the Craigs Addition Subdivision, east of the State Hospital. The residence and garage are located on a 14,640 square foot parcel, with ample space, south of the home and accessory structure, to construct a new single-family residence and associated accessory structures. The property owner intends to rearrange the lots, within the parcel, to create two new parcels that meet the R-3 zone district standards to facilitate infill residential development. The Municipal Code prohibits creating a non-conforming situation with a rearrangement of property boundaries; therefore, the applicant is required to obtain a Variance to reduce the required front and second front setback in a One and Two Family Residential (R-3) Zone District. The applicant has submitted site-plans which show the creation of the two afore mentioned parcels, which meet the R-3 Zone District standards for the lot size and frontage. Staff does not anticipate negative externalities stemming from the approval of the variance.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	One and Two Family Residential (R-3) Zone District	Single-Family Residential
East	One and Two Family Residential (R-3) Zone District	Single-Family Residential
South	One and Two Family Residential (R-3) Zone District	Single-Family Residential
West	One and Two Family Residential (R-3) 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 residence has existed at its current location for 118 years. All encroachments into the setback area are adjacent to W. 18th Street and will not reduce the required light and air to adjacent properties, nor constitute a nuisance.

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 Variance in question is being requested specifically to facilitate a rearrangement of the property boundaries, which will create a separate developable parcel to the south of the existing residence. The rearrangement will allow another single-family home and accessory structures to be constructed securing appropriate infill development within the Westside Neighborhood.

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. The Subject property was built in prior to 1968 and does not conform with the current residential placement standards.

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: 3/22/2022	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 3/22/2023
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

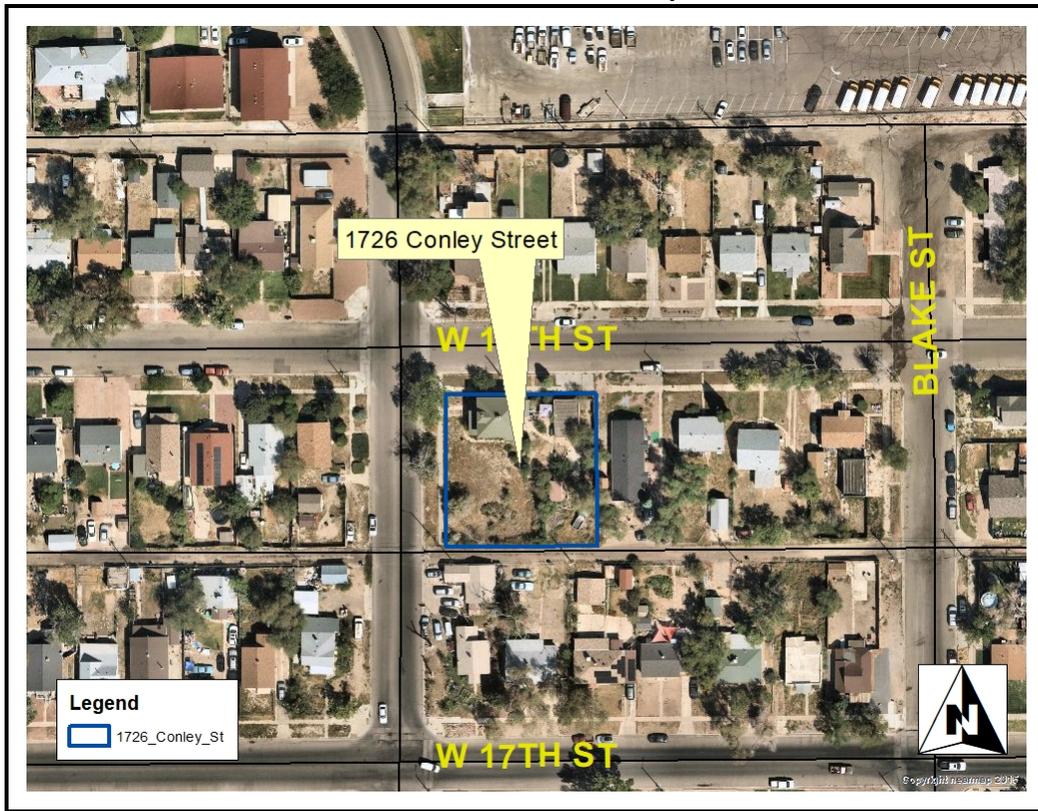


Exhibit C. Site Map

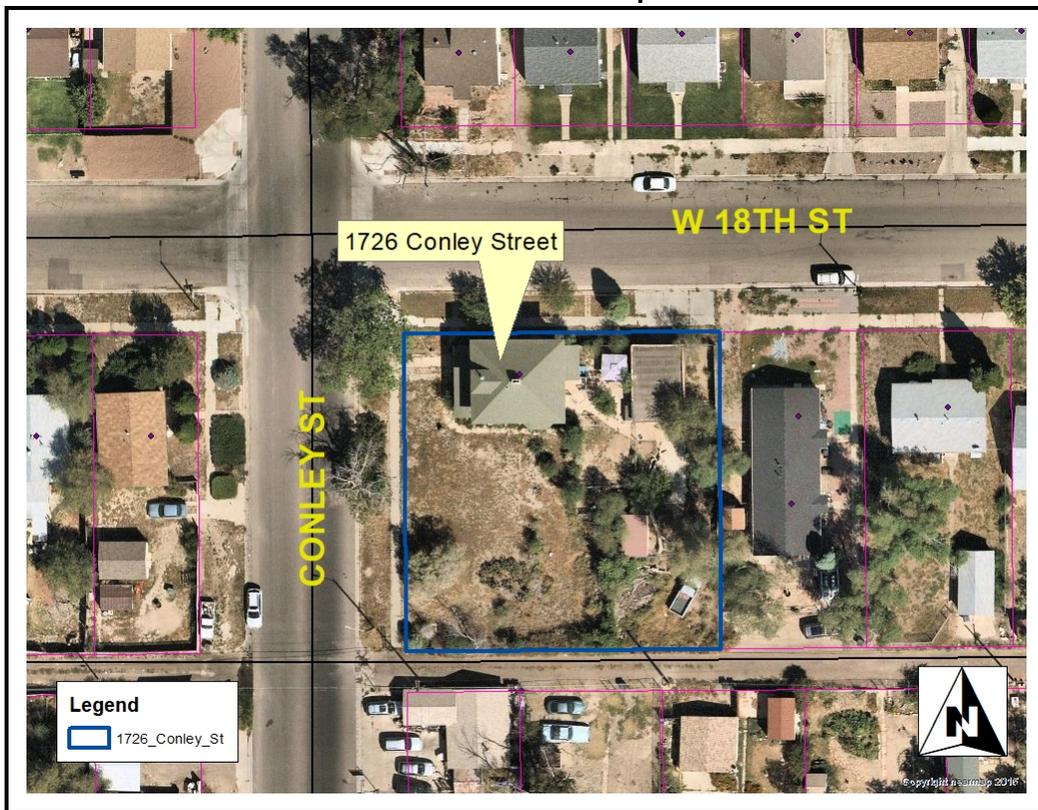


Exhibit D. Zoning Map

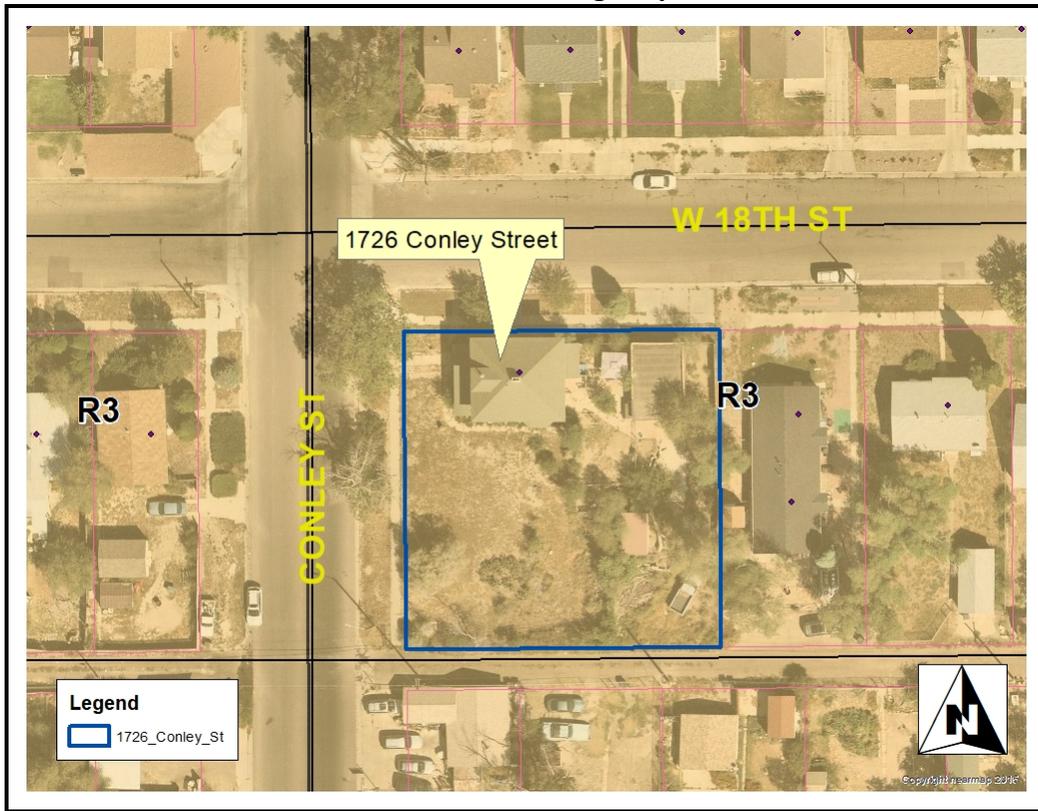


Exhibit E. Comprehensive Plan Map

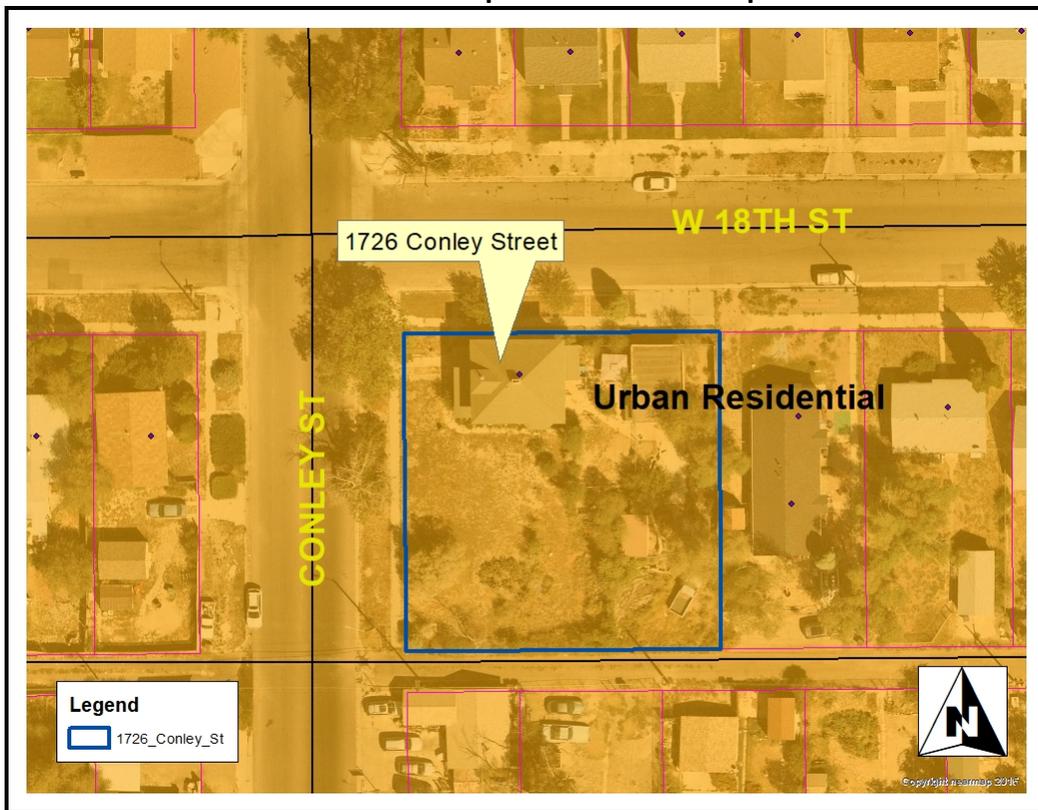


Exhibit F. Public Notice



Picture taken from Conley St. facing East

G. Site Pictures



Picture taken from Conley St. facing East



Picture taken from Conley St. facing East



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>Flip A Home</i>		Name:	
	Address: <i>1726 Conley ST</i>		Company:	
	City, State & Zip: <i>Pueblo Colo</i>		Address:	
	Phone: <i>(719) 766 1496</i>		City, State & Zip:	
	Email: <i>Joshackworth@gmail.com</i>		Phone: ()	Cell: ()
<i>The applicant will be the primary contact unless otherwise noted.</i>				
Property Info	Project Location:			
	Legal Description: <i>LOT 6 Except the East 10ft 411 of LOTS 798 BLOCK 27 Craig's Addition</i>			
	Parcel No: <i>025213008</i>		Existing Zone:	
Property Size:				
Project Information	General Information			
	Provide a short description of the proposed request: <i>A residential Dwelling and garage do NOT meet the 12 1/2 ft. set back</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 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: _____				

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 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 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:	
	<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:	<i>ALIP A Home LLC</i>
	Signature:	<i>[Signature]</i> Date: <i>2/7/22</i>
	Applicant, if different from Property Owner	
Signatures	Print Name:	<i>Same as above</i>
	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

**Planning and Community Development
211 E. D Street
Pueblo, Colorado 81003**

Please accept this request for a variance to allow a setback for a single family dwelling and garage on the property described as the West 34 ft of Lot 7 and 8, Block 27, Craig's Addition. (1726 Conley Street)

The aforementioned property currently has a single family dwelling along with a garage and is 3 ft. from the property line on West 18th Street.

We are requesting a variance to conform with the requirement of a 12.5 set back for both structures.

The client is seeking a Lot Line Rearrangement in order to build an additional dwelling on the new created Parcel.

Respectfully submitted,



Gary Amella, Agent

2/7/22

