

Mike Castellucci
Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

ZBA-22-07

Hearing Date: March 22, 2022

TO:	City of Pueblo Zoning Board of Appeals
FROM:	Danielle Baxter, Planner
THROUGH:	Scott Hobson, Land Use Administrative Official
LOCATION:	528 W Adams Ave, Pueblo, CO 81004
APPLICANT:	Stephen Garcia
PROPERTY OWNER:	Stephen Garcia
YEAR BUILT:	1944
LEGAL DESCRIPTION:	LOTS 41 + 42 BLK 1 SUMMIT PLC
ZONE DISTRICT:	Single Family Residential (R-2 Zone) District
PARCEL ID:	1502201018
LOT SIZE:	6,250 sqft
REQUEST:	Variance to reduce the required front yard setback in a Single Family Residential (R-2 Zone) District

SYNOPSIS OF REQUEST

The applicant is requesting a variance to reduce the front yard setback in a Single Family Residential (R-2) Zone District. The residence is located in the Summit Place Subdivision, northeast of Heritage Elementary School. The applicant is requesting a variance to allow an eighteen (18') foot front yard setback instead of the required twenty-five (25') foot front yard setback to allow a covered patio in front of the existing single-family residence. In accordance with 17-4-23(a)(3) of the Pueblo Municipal Code (PMC), the applicant is required to obtain a variance because the proposed attached accessory structure would be built in the required front yard setback.

ANALYSIS OF REQUEST

The subject property is a 6,250 square foot residential lot with a 748 square foot single family residence constructed on the property in 1944. The applicant is proposing to construct a five-foot (5') foot by twenty-seven (27') covered patio with handrails along the perimeter. The residence currently has a concrete patio of the same dimensions. The applicant is requesting a variance to construct a patio cover and handrails around the existing concrete patio. The applicant will not be expanding the current concrete slab, just adding a cover and handrails. The current concrete slab is already located in the front yard setback, however, adding the patio cover and handrails requires a variance as an attached accessory structure.

The existing home was built approximately twenty-three (23') feet from the front property line, making it a legal-nonconforming structure as it was built in 1944 before the current City of Pueblo Municipal Code was enacted in 1968. Section 17-3-4(5) states that a nonconforming structure, established as a single-family residence before 1968, may be enlarged within its existing parcel as long as the dwelling is not enlarged by more than thirty (30%) percent of the gross floor area of the residence and does not further encroach into any required setbacks. The proposed attached accessory structure would be a twenty-five (25%) addition, because the covered patio further encroaches into the front setback a variance is required.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Single-family Residential (R-2) Zone District	W Adams Ave; Bessemer ditch; 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-2) Zone District	Single-family Residential

COMPREHENSIVE PLAN

The comprehensive plan depicts Urban Residential for this parcel. Urban Residential neighborhoods are found predominantly within the city limits of Pueblo and the urbanizing areas in the City’s immediate periphery. They are generally located on a grid roadway network that interconnects a large portion of the urban area. The existing mixture of housing types that range from single family detached housing to duplexes and multi-family housing will be continued with emphasis on maintaining the existing housing stock and in-fill development. Where appropriate, community scale commercial services will be created to provide the necessary day-to-day needs of residents within walking distance. Development in these Urban Neighborhoods is typically at densities of 4 to 7 units per acre and often reflects the traditional urban residential layout used in the early development of Pueblo. As the City of Pueblo expands to the north, south and southwest, a continuation of these Urban Residential Areas should be continued. Interconnected neighborhoods, sanitary sewer and neighborhood parks should be an integral part of the development.

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 received
City Transportation	No comment received
Pueblo Regional Building Department	No comment received
Fire Department	No comment received
City Public Works Department	No comment received
City Stormwater Department	No comment received
City Code Enforcement	No comment received
Pueblo Board of Water Works	No comment received
City Wastewater Department	No comment received
City Parks and Recreation Department	No comment received

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 proposed patio will extend the existing home five (5’) feet into the front yard setback. This will create an eighteen (18’) foot front yard setback. The new proposed front yard setback is far enough from the front property line that no light or visual obstructions will be detected. The side yard setbacks meet zone district requirements and will not be changed.

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 existing home is twenty-three (23') from the front property line, creating a legal non-conforming structure, which is customary for the surrounding neighborhood. The side yard setbacks meet zone district requirements and will not be altered.

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 existing home was built before the current City of Pueblo Municipal Code was established in 1968, making it a legal non-conforming structure. The home was built in the current required twenty-five (25') front yard setback which is the prevailing pattern of homes on this block. Any additions to the front of the dwelling will further encroach the front yard setback.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board chooses to approve this Variance staff recommends Standard Permit Conditions 1 through 13 and the following staff condition.

1. The patio cover and handrails must be architecturally compatible to the primary structure and cannot exceed height of primary structure. This shall include similar siding materials and color, and similar roofing material, color, and pitch.

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: 03/22/2022	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 03/22/2023
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

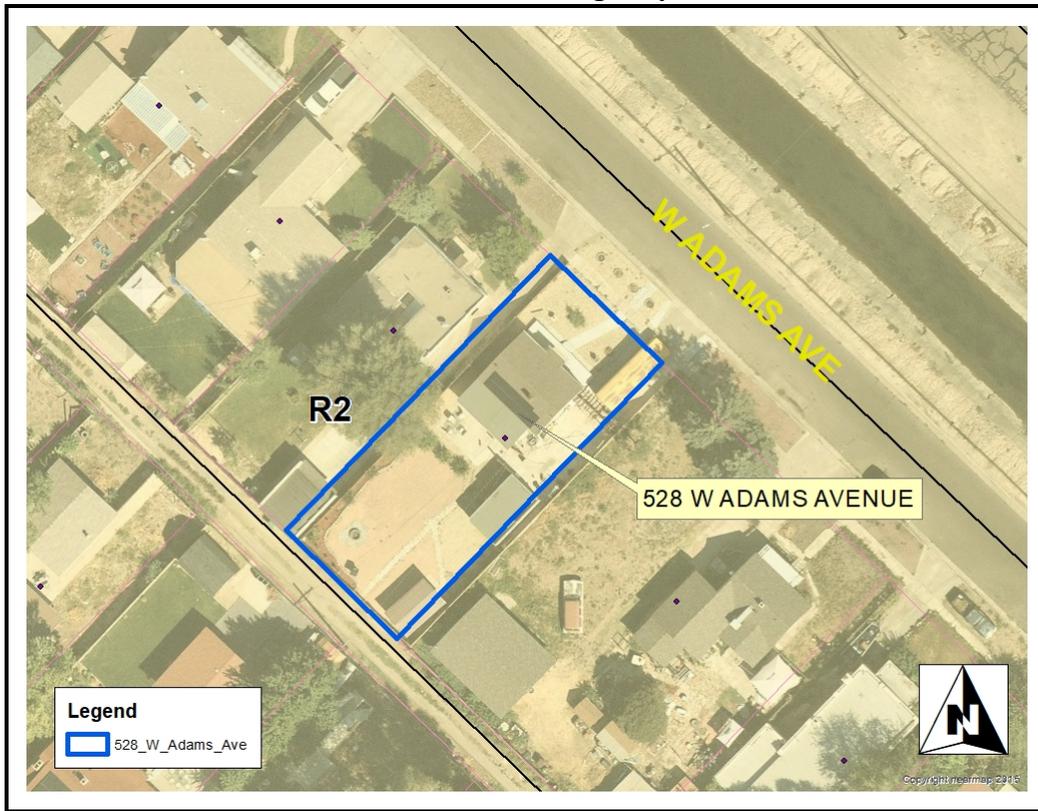


Exhibit E. Comprehensive Plan Map

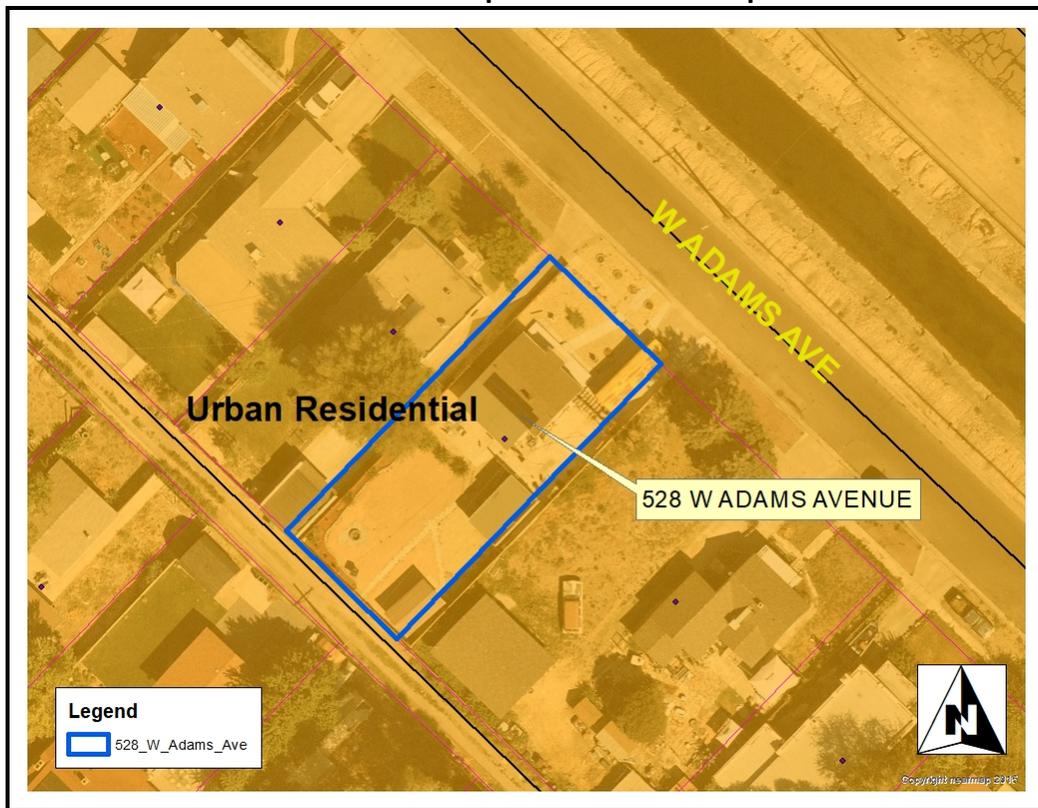


Exhibit F. Public Notice



Taken from Adams facing south.

G. Site Pictures



Taken from Adams facing southeast.



Taken from Adams facing southwest.

Exhibit H. Application

2/15/22, 10:28 AM

OpenGov



City of Pueblo PLACE

02/15/2022

22-21

Zoning Board of Appeals - Special Use Permit & Variances

Status: Active

Date Created: Feb 11, 2022

Applicant

Stephen Garcia
someonesprotege@gmail.com
528 West Adams Ave
Pueblo, CO 81004
719-251-2479

Location

528 W ADAMS AVE
PUEBLO, CO 81004

Owner:

GARCIA STEPHEN
528 W ADAMS AVE PUEBLO , CO 81004-1436

Internal

ZBA Case Number

--

Planner Assigned

--

ZBA

Hearing Date

--

Hearing Results

--

Board Conditions

--

Appeal Term End Date

--

Permit Completion Date

--

Specially Requested Hearing

Public Notice

Number of Posters

--

Number of Postcards Sent

--

Cost of Newspaper Notice

--

Public Notice Costs

0

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

<https://puebloco.viewpointcloud.io/#/explore/records/28627/printable?act=true&app=true&att=true&emp=true&int=true&loc=true&sec=1011981%2C10...> 1/3

2/15/22, 10:28 AM

OpenGov

Provide a short description of the proposed request:

7 Foot by 27 Foot Covered patio with hand rails.

What is the general use of the property

Residential

Detailed explanation of the request as listed above.

7 Foot by 27 Foot covered patio with hand rails.

Justification of facts required for the request. Be specific.

The house is facing the bessimer ditch with no neighbors facing the home.

Please see the attached document for assistance with Justification of Facts:

 ZBA Use by Review Assistance
(https://viewpointcloud.blob.core.windows.net/profile-pictures/ZBA_Use_by_Review_HANDOUT_06-2020_Thu_Jul_22_2021_15:43:00_GMT+0000_(Greenwich_Mean_Ti...)

Please see the attached document for assistance with Justification of Facts:

 ZBA Non-Residential Variance Assistance
(https://viewpointcloud.blob.core.windows.net/profile-pictures/ZBA_Non-Residential_Variance_HANDOUT_06-2020_Thu_Jul_22_2021_15:42:48_GMT+0000_(Greenwich_Mean_Ti...)

 ZBA Residential Variance Assistance
(https://viewpointcloud.blob.core.windows.net/profile-pictures/ZBA_Residential_Variance_HANDOUT_06-2020_Thu_Jul_22_2021_15:42:55_GMT+0000_(Greenwich_Mean_Ti...)

Are there any concurrent zoning requests?

No

Variance Justification of Facts

Describe how the granting of a 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.

The proposed renovations and addition will not hinder the view of traffic driving on the adjacent road way, and will not hinder the adjacent neighbors.

Describe how the general planning of the City with respect to land use, density of use and the location of streets and highways will not be jeopardized.

The proposed patien is far enough away from the road and the street lights to jeopardize streets and lights.

Describe how strict adherence to this Title would not secure appropriate development of the property for which the variance is requested.

The proposed renovations and addition will not hinder the view of traffic driving on the adjacent road way, and will not hinder the adjacent neighbors.

Describe how 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.

This home was build in the 1940s so there is not a lot of things that newer houses have that make the home more comfortable to live in. I wish to renovate the home and add home remedies such as this proposed front patio so the home is more comfortable to live in and more appealing.

Terms

Is the applicant and property owner the same?

Yes

Applicant/Property Owner Signature

Stephen D. Garcia
02/11/2022

Attachments

https://pueblo.viewpointcloud.io/#/explore/records/28627/printable?act=true&app=true&att=true&emp=true&int=true&loc=true&sec=1011981%2C10... 2/3

 528 W Adams site plan.pdf
 Uploaded by Carol Martinez on Feb 11, 2022 at 3:04 pm

History

Date	Activity
Feb 11, 2022 at 2:00 pm	Stephen Garcia started a draft of Record 22-21
Feb 11, 2022 at 3:04 pm	Carol Martinez submitted Record 22-21
Feb 11, 2022 at 3:05 pm	changed the deadline to Feb 13, 2022 on approval step Fee Review on Record 22-21
Feb 11, 2022 at 3:05 pm	approval step Fee Review was assigned to Planning Front Counter on Record 22-21
Feb 11, 2022 at 3:05 pm	changed the deadline to Feb 13, 2022 on approval step Fee Review on Record 22-21
Feb 11, 2022 at 3:14 pm	Carol Martinez assigned approval step Fee Review to Carol Martinez on Record 22-21
Feb 11, 2022 at 3:14 pm	Carol Martinez changed the deadline to Feb 13, 2022 on approval step Fee Review on Record 22-21
Feb 11, 2022 at 3:14 pm	Carol Martinez changed the deadline to Feb 13, 2022 on approval step Fee Review on Record 22-21
Feb 11, 2022 at 3:14 pm	Carol Martinez approved approval step Fee Review on Record 22-21
Feb 11, 2022 at 3:17 pm	completed payment step Application Fee on Record 22-21
Feb 11, 2022 at 3:17 pm	approval step Intake Review was assigned to Planning Front Counter on Record 22-21
Feb 11, 2022 at 3:17 pm	approval step Land Use Tech Review was assigned to Karen Elgin on Record 22-21
Feb 11, 2022 at 3:17 pm	approval step Case Assignment was assigned to Beritt Odom on Record 22-21
Feb 11, 2022 at 3:17 pm	changed the deadline to Feb 12, 2022 on approval step Case Assignment on Record 22-21
Feb 11, 2022 at 4:33 pm	Carol Martinez assigned approval step Intake Review to Carol Martinez on Record 22-21
Feb 11, 2022 at 4:33 pm	Carol Martinez approved approval step Intake Review on Record 22-21

Timeline

Label	Status	Activated	Completed	Assignee	Due Date
 Fee Review	Complete	Feb 11, 2022 at 3:05 pm	Feb 11, 2022 at 3:14 pm	Carol Martinez	02/12/2022
 Application Fee	Paid	Feb 11, 2022 at 3:14 pm	Feb 11, 2022 at 3:17 pm	-	-
 Intake Review	Complete	Feb 11, 2022 at 3:17 pm	Feb 11, 2022 at 4:33 pm	Carol Martinez	-
 Land Use Tech Review	Active	Feb 11, 2022 at 3:17 pm	-	Karen Elgin	-
 Case Assignment	Active	Feb 11, 2022 at 3:17 pm	-	Beritt Odom	02/11/2022
 Planning (Zoning) Initial Review of Submittal	Inactive	-	-	-	-
 Public Notice	Inactive	-	-	-	-
 Public Notice Memo	Inactive	-	-	-	-
 Public Notice Fee	Inactive	-	-	-	-
 Staff Report and Agenda Distribution	Inactive	-	-	-	-
 ZBA Hearing Outcome	Inactive	-	-	-	-
 Review Permit	Inactive	-	-	-	-
 Final Inspection	Inactive	-	-	-	-

Exhibit I. Supporting Documents



DEPARTMENT OF THE ARMY
759TH MILITARY POLICE BATTALION
BLDG 1030 SPECKER AVE
FORT CARSON, COLORADO 80913

AFYB-MPB-CO

15 FEBRUARY 2022

MEMORANDUM FOR RECORD

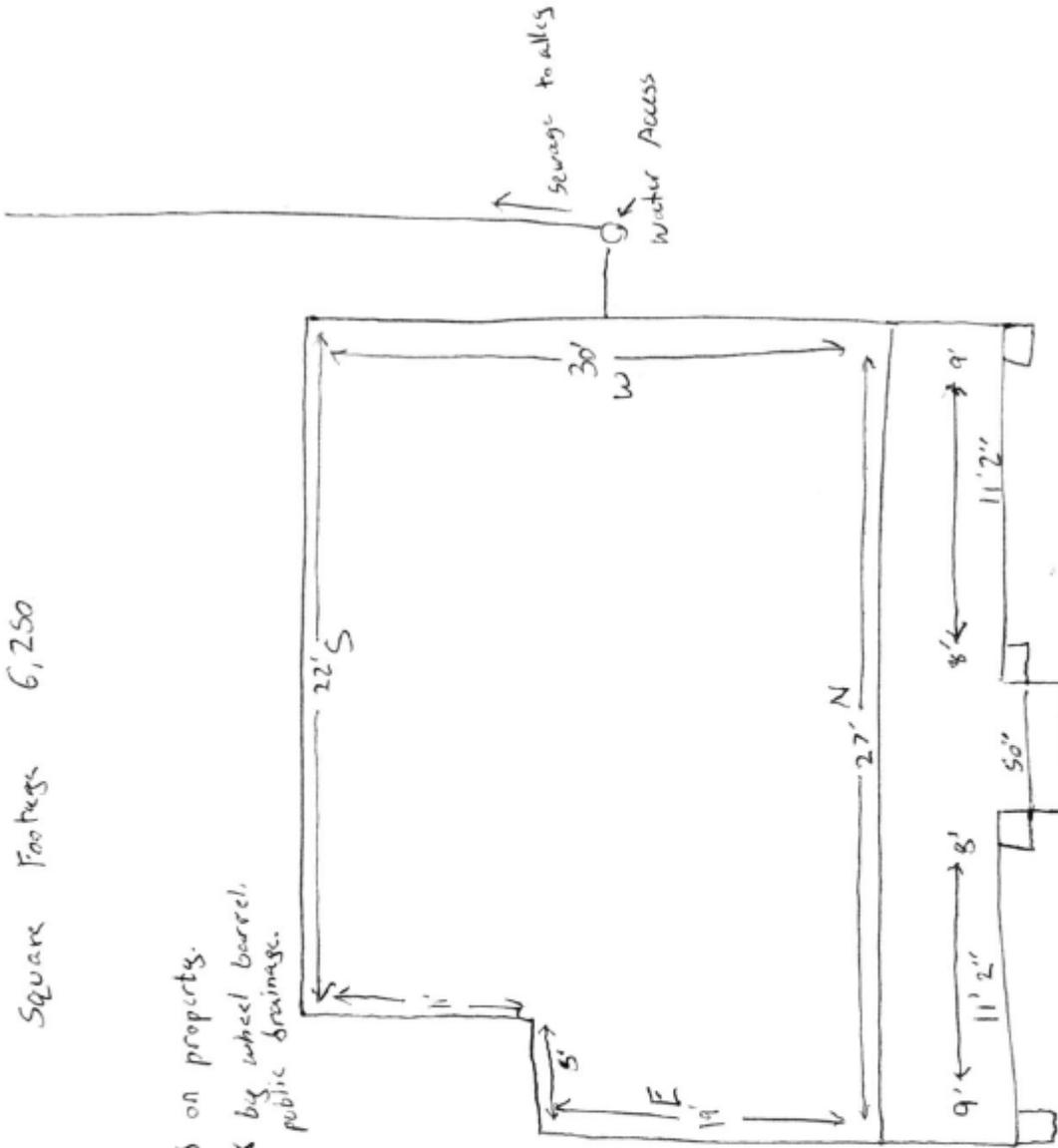
SUBJECT: Renovation request to the city of Pueblo Colorado for property 528 West Adams Avenue, Pueblo Colorado 81004 from Stephen David Garcia (148th Military Police Det, Conservation Law Enforcement Officer) property owner.

1. The purpose of this memorandum for record ("MFR") is to respectfully and politely request permission to build a 26 foot by 9 foot front patio with hand rails, and an overhang attached to the house by four inch by four inch support posts.
2. After taking measurements from the front of the house to the sidewalk the house is 26 and a half feet from the sidewalk. Once the patio is built the patio and overhang will be 19 feet two inches away from the sidewalk. The addition to the property will not inhibit lighting or view of adjacent traffic nor will it affect neighbors across the street because there are no neighbors across the street, just the Bessemer ditch. I believe the benefits of this addition will far outweigh the negatives by the below facts:
 - (a) The property was built in 1944 and was not built with a lot of modern Amenities.
 - (b) The proposed covered patio will provide more shelter to the home from weather.
 - (c) The proposed covered patio will provide a modern cosmetic look and feel to the property.
 - (d) The home dwellers and visitors will be able to enjoy this proposed covered patio and relax in comfort year around without the fear of: rain, the sun, hail, snow and sleet.
3. The proposed covered patio is currently an area that is not being used by home dwellers or visitors and the home owner wishes to utilize as much of the property as possible to make the property usable, comfortable, and appealing to the eye for everyone who may live, visit, or simply pass by the property.
4. Point of contact for this memorandum are SSG Stephen D. Garcia at (719) 251-2479 or at Stephen.d.garcia10.mil@mail.mil.

STEPHEN D. GARCIA
SSG, USA MP
CLEO NCOIC

Square Footage 6,250

Post Hole Dug, excess dirt reused on property.
24" concrete posts x 4 being poured by wheel barrel.
Clean up done in backyard using no public drainage.



Proposed Partition 27' x 9'

NO CROSS LOT DRAINAGE PERMITTED TO THE NEAREST PUBLIC RIGHT-OF-WAY (STREETS AND ALLEYS), DEDICATED EASEMENTS, AND/OR CITY OF PUEBLO STORMWATER CONVEYANCE SYSTEM. STORMWATER SHALL BE DIRECTED TO THE NEAREST PUBLIC RIGHT-OF-WAY (STREETS AND ALLEYS), DEDICATED EASEMENTS, AND/OR CITY OF PUEBLO STORMWATER CONVEYANCE SYSTEM.