

Mike Castellucci
Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

ZBA-22-11

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: 630 W Pitkin Ave, Pueblo, CO 81004
APPLICANT: Abraham Armendariz
PROPERTY OWNER: Abraham Armendariz
YEAR BUILT: 1937
LEGAL DESCRIPTION: NWLY 63 1/3 FT OF LOTS 1 TO 5 INC BLK 63 COLORADO COAL + IRON COMPANYS ADDITION NO 3
ZONE DISTRICT: Single Fmaily Residential (R-2 Zone) District
PARCEL ID: 535407001
LOT SIZE: 7,913 sqft

| | |
|-----------------|--|
| REQUEST: | Variance to allow a detached accessory structure exceeding the principal structure footprint area in a Single Family Residential (R-2 Zone) District |
|-----------------|--|

SYNOPSIS OF REQUEST

The applicant is requesting a variance to allow a detached accessory structure exceeding the principal structure footprint area in a Single Family Residential (R-2) Zone District. The residence is located in the Colorado Coal and Iron Company's Addition Number 3 Subdivision, east of Pueblo Community College. The applicant is requesting a variance to allow a 1,200 square foot detached garage, which is larger than the footprint of the single-family residence. In accordance with 17-4-23(c)(1) of the Pueblo Municipal Code (PMC), the applicant is required to obtain a variance because the proposed detached accessory structure (1,200 sq ft) would be larger than the footprint of the existing principal structure (852 sq ft).

ANALYSIS OF REQUEST

The subject property is a 7,913 square foot residential lot with an 852 square foot single family residence constructed on the property in 1937. The applicant is proposing to construct a thirty (30) by forty (40) foot detached garage on the back half of the lot. The applicant states the garage will provide added storage on the property for their vehicles and belongings, as the primary structure does not offer room for adequate storage. Also, the garage would provide security to deter criminal activity on the property. There are two sheds, a detached single car garage, and a gazebo currently constructed on the back half of the property. The applicant states they will remove the existing single car garage and two sheds to construct the new 1,200 square foot garage.

The proposed garage will be constructed outside all required setbacks. The garage will be accessed off Lincoln St and will be twelve and a half (12.5') from the west property line, which meets the second front yard setback requirement. The garage will be located fourteen feet (14') from the east side property line and five feet (5') from the south property line. Because the parcel has a second front yard setback the east and south setbacks must both conform to the required five-foot (5') side yard setbacks.

ZONING DISTRICT AND LAND USE

| | | |
|-------|---|---|
| Zone: | Developed with: | |
| North | Single-family Residential (R-2) Zone District | W Pitkin Ave; 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 | Lincoln St; 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 garage will not reduce light and air to adjacent properties, as it meets all required setbacks.

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: Neutral finding. The existing home is 852 sq ft, if the applicant chose to construct a garage similar in size to the residence it would also be able to store multiple vehicles and personal belongings.

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 in 1937 and may be considered small in size compared to most modern houses being constructed today.

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 detached garage 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.
2. Accessory structure must have gutters and downspouts installed to keep all stormwater drainage on the applicant's property.

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: 4/26/2022 | |
|---|---|
| 1. | Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 4/26/2023 |
| 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

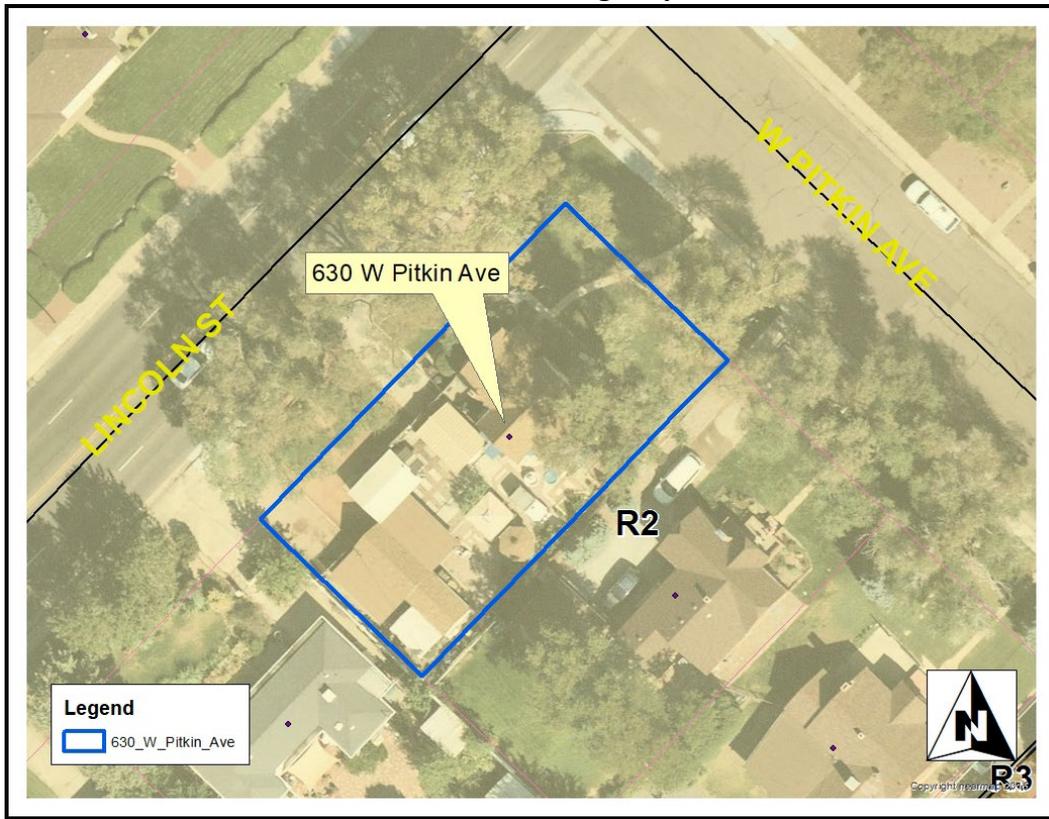


Exhibit E. Comprehensive Plan Map

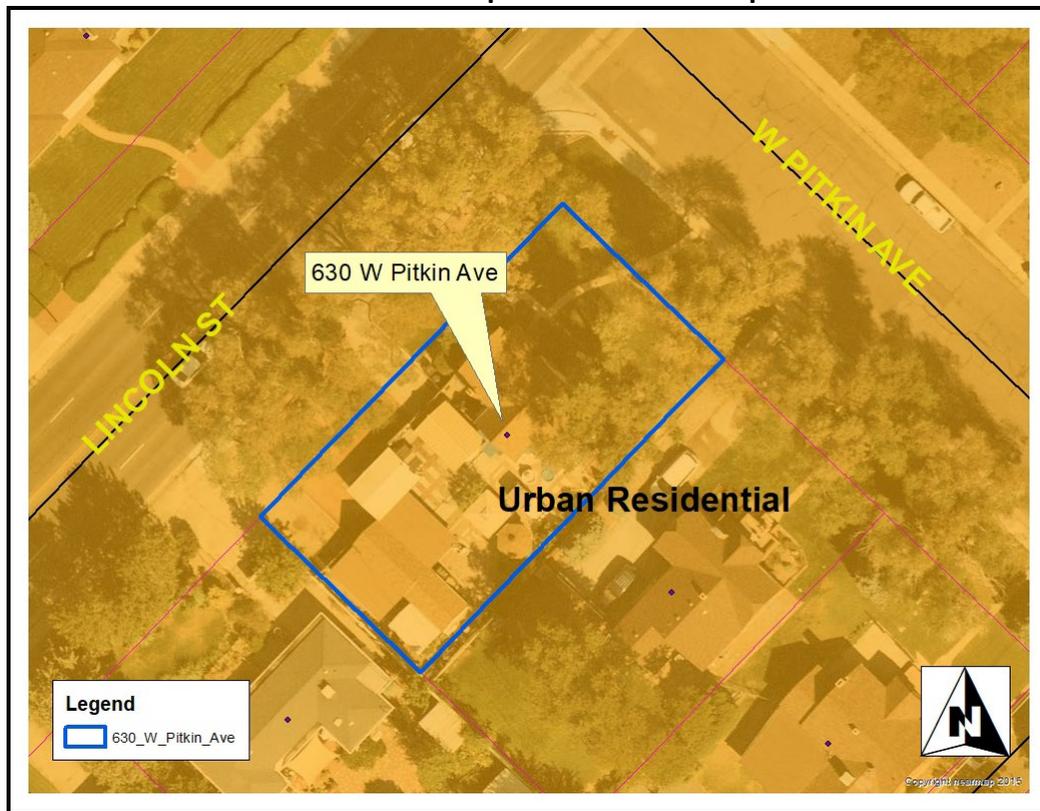


Exhibit F. Public Notice



Taken from W Pitkin facing south.

G. Site Pictures



Taken from W Pitkin facing south.



Taken from W Pitkin facing south.



Taken from Lincoln St facing east.



Taken from Lincoln St facing southeast.



Taken from Lincoln St facing east.



Taken from Lincoln St facing northeast.



Taken from Lincoln St facing north.

Exhibit H. Application

3/14/22, 10:10 AM

OpenGov



City of Pueblo PLACE

03/14/2022

22-41

Zoning Board of Appeals - Special Use Permit & Variances

Status: Active

Date Created: Mar 11, 2022

Applicant

Abraham Armendariz
aberama@comcast.net
630 W Pitkin Avenue
Pueblo, CO 81004
719-320-6645

Location

630 W PITKIN AVE
PUEBLO, CO 81004

Owner:

Abraham Armendariz
630 W PITKIN AVE Pueblo, CO 81004

Internal

ZBA Case Number

ZBA-22-11

Planner Assigned

--

ZBA

Hearing Date

04/26/2022

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

Other

Other (please specify)

Accessory Structure Size

Provide a short description of the proposed request:

To construct a detached garage

What is the general use of the property

Residential

Detailed explanation of the request as listed above.

The proposal request is to build a detached residential garage measuring 30ft X 40ft (1200 sq ft).

Justification of facts required for the request. Be specific.

The purpose of the garage will be for protecting vehicles (7 X) from extreme weather. Added security from criminal activity, including theft and vandalism. Also in need of a better storage situation as permanent structure does not provide adequate storage area that is suitable. Need a safer environment for more secure and convenient access to vehicles while loading and unloading. Upon completion of structure, it will minimize outbuildings, increase property value and the basic design of structure will not detract from the aesthetics of the neighborhood.

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...)
(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_T...)
(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_T...

[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_T...)
(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_T...

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 structure will not obstruct passage of light or air to adjacent properties. The structure will not be aesthetically detracting or a nuisance to the adjoining properties. It will definitely not reduce the monetary value of properties.

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 structure will be compliant to setback established so not to jeopardize bad legal precedents.

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

Due to the unique characteristic of the antiquated home and property established in 1937, the detached structure requires to exceed the square footage of the permanent structure which mitigates hardship.

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.

One disadvantage is that it is a corner property on a main thoroughfare with safety, security and trespassing concerns. The property currently has a modest one car garage.

Terms

Is the applicant and property owner the same?

Yes

Applicant/Property Owner Signature

Abraham Jesus Armendariz
03/06/2022

Attachments



IMG_0770.jpg
Uploaded by Abraham Armendariz on Mar 11, 2022 at 5:49 pm



IMG_0771.jpg
Uploaded by Abraham Armendariz on Mar 11, 2022 at 5:50 pm



IMG_0746.jpg
Uploaded by Abraham Armendariz on Mar 11, 2022 at 5:50 pm



IMG_0772.jpg
Uploaded by Abraham Armendariz on Mar 11, 2022 at 5:51 pm



IMG_0750.jpg
Uploaded by Abraham Armendariz on Mar 11, 2022 at 5:51 pm



IMG_0778.jpg
Uploaded by Abraham Armendariz on Mar 11, 2022 at 5:53 pm

History

| Date | Activity |
|--------------------------|---|
| Mar 6, 2022 at 4:34 pm | Abraham Armendariz started a draft of Record 22-41 |
| Mar 11, 2022 at 5:51 pm | Abraham Armendariz added attachment IMG_0772.jpg to Record 22-41 |
| Mar 11, 2022 at 5:51 pm | Abraham Armendariz added attachment IMG_0750.jpg to Record 22-41 |
| Mar 11, 2022 at 5:53 pm | Abraham Armendariz added attachment IMG_0778.jpg to Record 22-41 |
| Mar 11, 2022 at 5:54 pm | Abraham Armendariz submitted Record 22-41 |
| Mar 11, 2022 at 5:54 pm | approval step Fee Review was assigned to Planning Front Counter on Record 22-41 |
| Mar 11, 2022 at 5:54 pm | changed the deadline to Mar 14, 2022 on approval step Fee Review on Record 22-41 |
| Mar 14, 2022 at 9:06 am | Carol Martinez assigned approval step Fee Review to Carol Martinez on Record 22-41 |
| Mar 14, 2022 at 9:07 am | Carol Martinez approved approval step Fee Review on Record 22-41 |
| Mar 14, 2022 at 9:38 am | completed payment step Application Fee on Record 22-41 |
| Mar 14, 2022 at 9:38 am | approval step Intake Review was assigned to Planning Front Counter on Record 22-41 |
| Mar 14, 2022 at 9:38 am | approval step Land Use Tech Review was assigned to Karen Elgin on Record 22-41 |
| Mar 14, 2022 at 9:38 am | approval step Case Assignment was assigned to Beritt Odom on Record 22-41 |
| Mar 14, 2022 at 9:38 am | changed the deadline to Mar 15, 2022 on approval step Case Assignment on Record 22-41 |
| Mar 14, 2022 at 9:44 am | Carol Martinez assigned approval step Intake Review to Carol Martinez on Record 22-41 |
| Mar 14, 2022 at 9:44 am | Carol Martinez approved approval step Intake Review on Record 22-41 |
| Mar 14, 2022 at 10:09 am | Karen Elgin changed Hearing Date from "" to "04/26/2022" on Record 22-41 |
| Mar 14, 2022 at 10:09 am | Karen Elgin changed ZBA Case Number from "" to "ZBA-22-11" on Record 22-41 |

Timeline

<https://pueblo.viewpointcloud.io/#/explore/records/27403/printable?act=true&app=true&att=true&emp=true&int=true&loc=true&sec=1011981%2C10...> 3/4

| Label | Status | Activated | Completed | Assignee | Due Date |
|---|----------|-------------------------|-------------------------|----------------|------------|
|  Fee Review | Complete | Mar 11, 2022 at 5:54 pm | Mar 14, 2022 at 9:07 am | Carol Martinez | 03/13/2022 |
|  Application Fee | Paid | Mar 14, 2022 at 9:07 am | Mar 14, 2022 at 9:38 am | - | - |
|  Intake Review | Complete | Mar 14, 2022 at 9:38 am | Mar 14, 2022 at 9:44 am | Carol Martinez | - |
|  Land Use Tech Review | Active | Mar 14, 2022 at 9:38 am | - | Karen Elgin | - |
|  Case Assignment | Active | Mar 14, 2022 at 9:38 am | - | Beritt Odom | 03/14/2022 |
|  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 | - | - | - | - |

