

Mike Castellucci
Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

ZBA-22-33

Hearing Date: July 26, 2022

TO: City of Pueblo Zoning Board of Appeals
FROM: Wade Broadhead, Sr. Planner
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 2561 Lynwood Ln. Pueblo, CO 81005
APPLICANT: Richard Graen
PROPERTY OWNER: Kimberly Graen, Richard Graen, Bess Oldham
YEAR BUILT: 1960
LEGAL DESCRIPTION: Lot 7, Block 19, Lynn Gardens 4th
ZONE DISTRICT: Single Family Residential Zone District (R-2)
PARCEL ID: 1515220007
LOT SIZE: 7,020 sq ft

REQUEST:	Variance to reduce the front yard setback from twenty-five (25') feet to seventeen (17') feet in a Single Family Residential (R-2) Zone District.
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SYNOPSIS OF REQUEST

The applicant is requesting a variance to allow a covered front porch to extend eight (8) feet into the required twenty-five (25) ft front yard setback in an R-2 Zone District. The single-family residence is located north of W. Pueblo Blvd., west of Lake Minnequa. The applicant is applying to construct an 8 x 17' covered porch on the front facade of their home.

ANALYSIS OF REQUEST

This neighborhood is comprised of modest Minimal Traditional style of mid-century houses that were constructed with little to no ornamentation or shade protection. A search of zoning records indicates variances have been given in the past on Lynwood for front yard porches and photos submitted by the applicant show numerous examples on the same street. The porch will have a gable coming toward the street over the picture window and come out eight feet and run 17 feet north-south along the house. The neighbors to the east and south appear to have front porches that may encroach into the front-yard setback.

The proposed improvement is consistent with solutions to provide shade and architectural interest within the neighborhood.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Single Family Residential District (R-2)	Single family residential
East	Single Family Residential District (R-2)	Single family residential
South	Single Family Residential District (R-2)	Single family residential
West	Single Family Residential District (R-2)	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 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 waiver will not reduce light and air to adjacent properties, it only impacts the applicant’s property.

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 applicant prefers the covered porch solution as a way to add architectural interest, cover the existing concrete slab, and provide shade.

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: Neutral finding. Although not a hardship, the solution has been common in the subdivision as the least intrusive way to provide shade and architectural interest to very simple homes.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board chooses to approve this Variance staff 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: 7/26/2022	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 7/26/2023
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

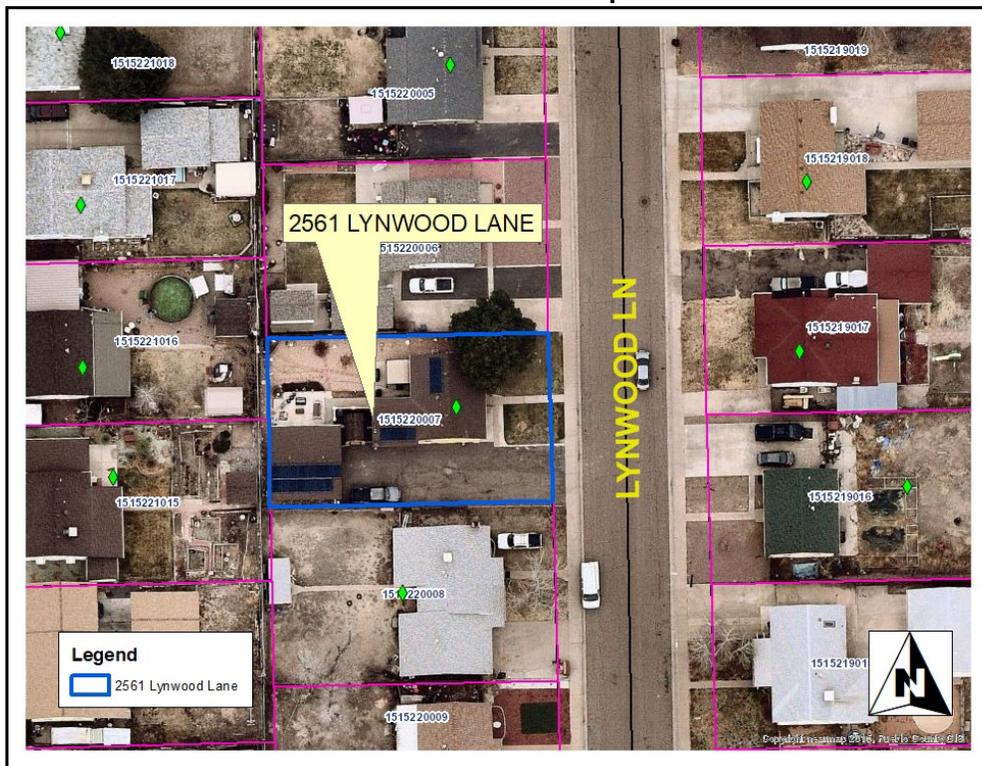


Exhibit D. Zoning Map

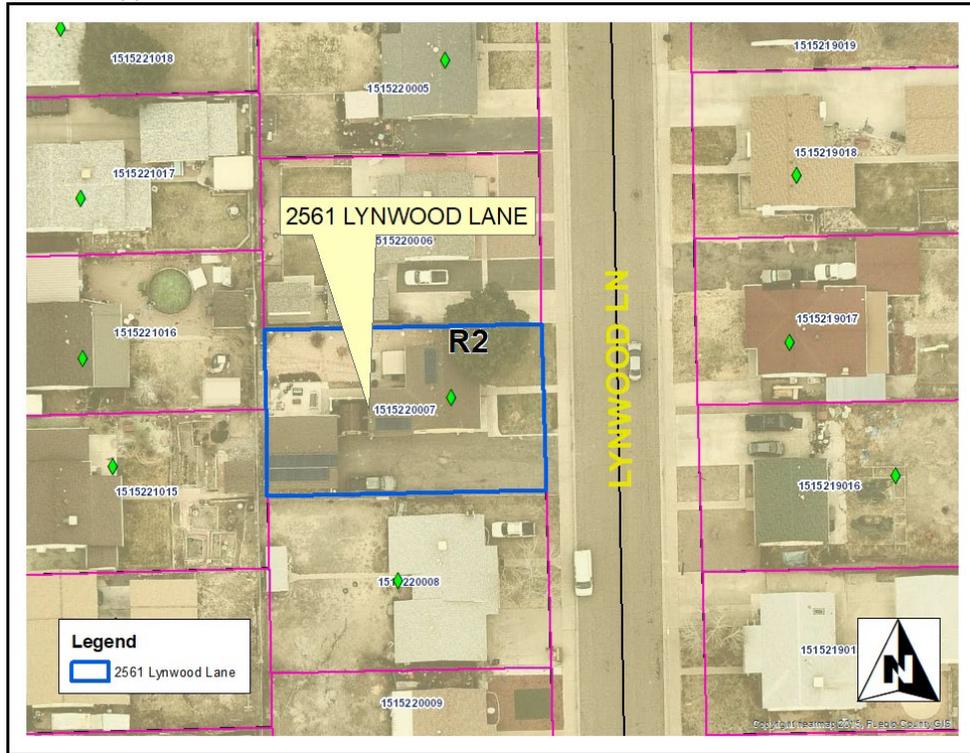


Exhibit E. Comprehensive Plan Map

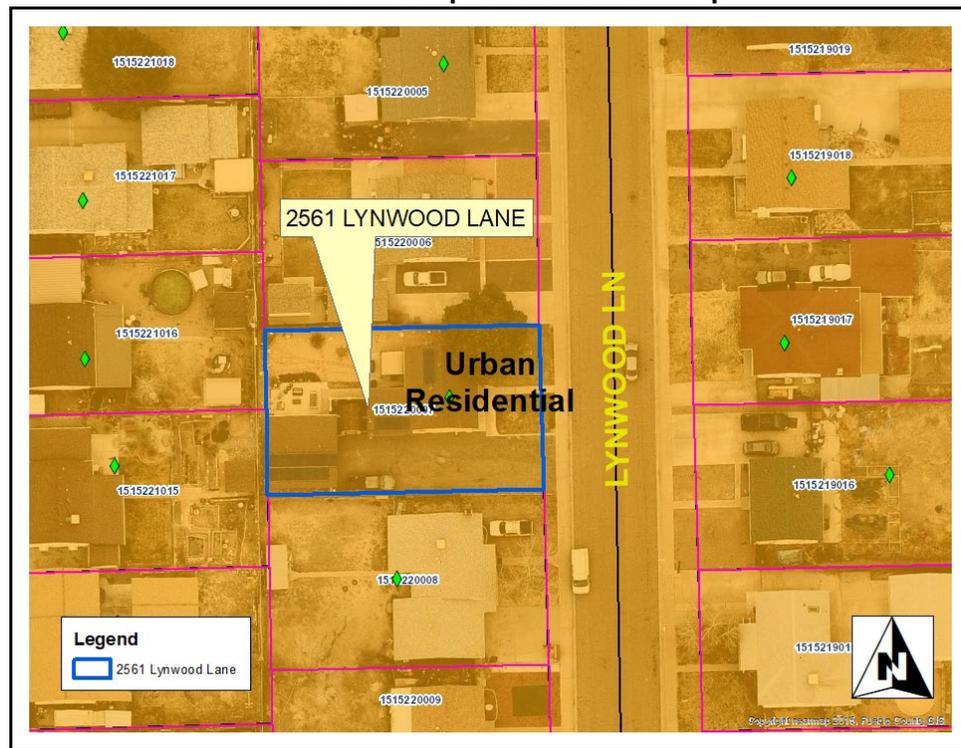


Exhibit F. Public Notice



Taken from Lynwood facing west

G. Site Pictures



Taken from Lynwood facing west



Taken from Lynwood facing west, adjacent property with porch cover

Exhibit H. Application

6/28/22, 12:06 PM

OpenGov



06/28/2022

22-115

Zoning Board of Appeals - Special Use Permit & Variances

Status: Active

Date Created: Jun 27, 2022

Applicant

Richard Graen
rickgraen1956@gmail.com
2561 Lynwood Ln
Pueblo, CO 81005
719-766-0750

Location

2561 LYNWOOD LN
PUEBLO, CO 81005

Owner:

GRAEN KIMBERLY TATE / GRAEN RICHA
2561 LYNWOOD LN PUEBLO , CO 81005-2719

Internal

ZBA Case Number

ZBA-22-33

Planner Assigned

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ZBA

Hearing Date

07/26/2022

Hearing Results

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Board Conditions

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Appeal Term End Date

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Permit Completion Date

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Specialty Requested Hearing

Public Notice

Number of Posters

1

Number of Postcards Sent

15

Cost of Newspaper Notice

--

Public Notice Costs

16

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:

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Scope of Work

Type of Request

Variance

Variance Type

Setback

https://puebloco.viewpointcloud.io/#!/explore/records/32927/printable?act=true&app=true&att=true&emp=true&int=true&loc=true&sec=1011981%2C10... 1/3

6/28/22, 12:06 PM

OpenGov

Provide a short description of the proposed request:

Setback variance for front yard covered porch

What is the general use of the property

Residential

Detailed explanation of the request as listed above.

Setback variance for front yard covered porch to provided shade to front window

Justification of facts required for the request. Be specific.

Similiar covered porches in the neighborhood. Front yard property is approximately 6' from back of sidewalk

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_Ti](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](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.

Will not have a negative impact on 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.

Will not have a negative impact on neighbors

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

Will not have a negative impact on 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.

It was built at the setback line

Terms

Is the applicant and property owner the same?

Yes

Applicant/Property Owner Signature

Richard A Graen
06/27/2022

Attachments

-  site plan.pdf
Uploaded by Richard Graen on Jun 27, 2022 at 4:00 pm
-  2561 LYNWOOD - NEIGHBOR PICTURES.pdf
Uploaded by Carol Martinez on Jun 28, 2022 at 8:49 am

<https://publloco.viewpointcloud.io/#!/explore/records/32927/printable?act=true&app=true&att=true&emp=true&int=true&loc=true&sec=1011981%2C10...> 2/3

 elevations.pdf
 Uploaded by Richard Graen on Jun 27, 2022 at 4:00 pm



2561 LYNWOOD - HOMEOWNER PICTURE.jpg
 Uploaded by Carol Martinez on Jun 28, 2022 at 8:52 am

 2561 LYNWOOD - SITE PLAN.pdf
 Uploaded by Carol Martinez on Jun 28, 2022 at 8:56 am

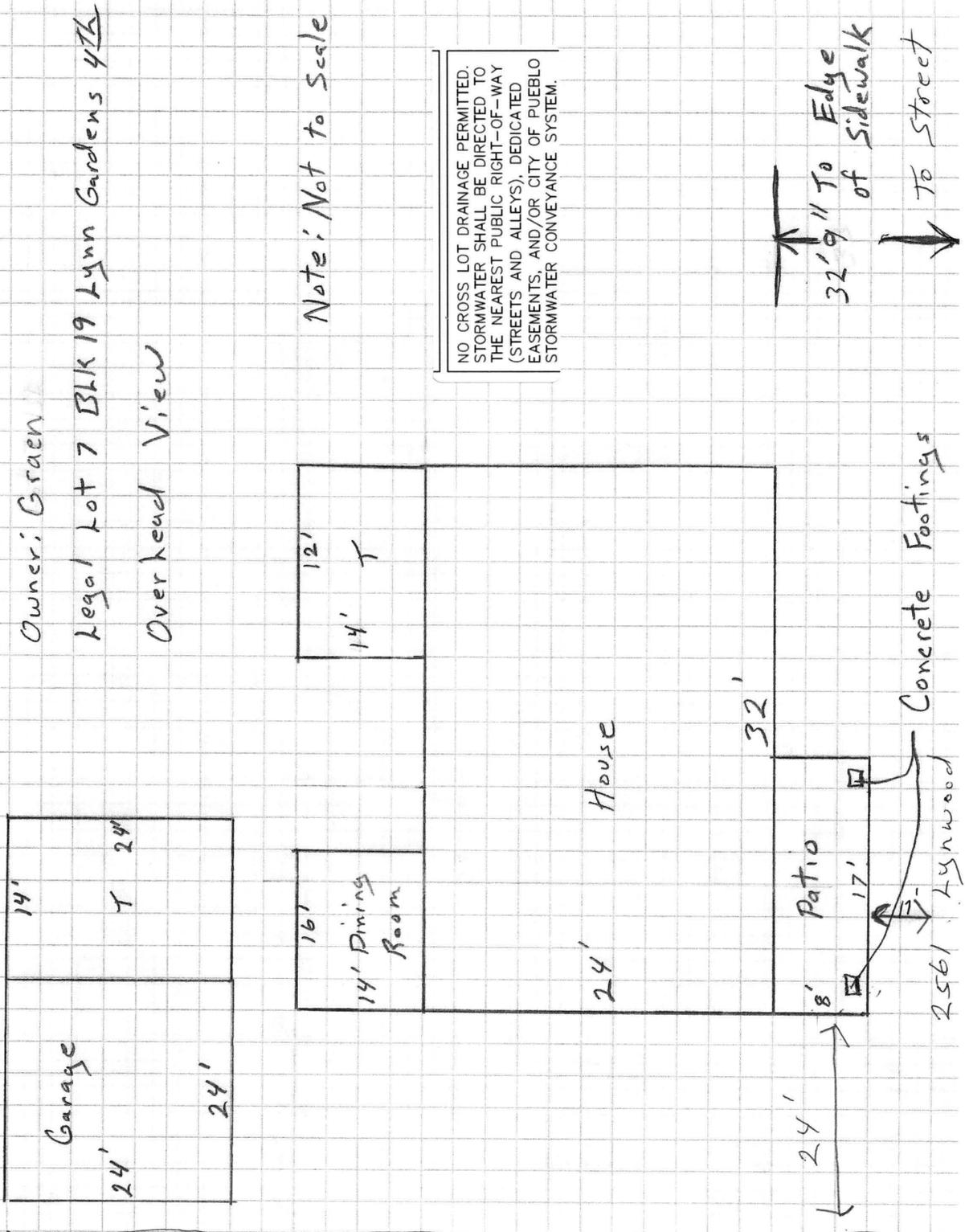
History

Date	Activity
Jun 27, 2022 at 3:49 pm	Richard Graen started a draft of Record 22-115
Jun 27, 2022 at 4:00 pm	Richard Graen added attachment elevations.pdf to Record 22-115
Jun 27, 2022 at 4:01 pm	Richard Graen submitted Record 22-115
Jun 27, 2022 at 4:01 pm	changed the deadline to Jun 29, 2022 on approval step Fee Review on Record 22-115
Jun 27, 2022 at 4:01 pm	approval step Fee Review was assigned to Planning Front Counter on Record 22-115
Jun 27, 2022 at 4:01 pm	changed the deadline to Jun 29, 2022 on approval step Fee Review on Record 22-115
Jun 27, 2022 at 4:10 pm	Karen Elgin changed ZBA Case Number from "" to "ZBA-22-33" on Record 22-115
Jun 27, 2022 at 4:10 pm	Karen Elgin changed Hearing Date from "" to "07/26/2022" on Record 22-115
Jun 28, 2022 at 8:52 am	Carol Martinez added attachment 2561 LYNWOOD - HOMEOWNER PICTURE.jpg to Record 22-115
Jun 28, 2022 at 8:56 am	Carol Martinez added attachment 2561 LYNWOOD - SITE PLAN.pdf to Record 22-115
Jun 28, 2022 at 11:43 am	Karen Elgin assigned approval step Fee Review to Karen Elgin on Record 22-115
Jun 28, 2022 at 11:43 am	Karen Elgin approved approval step Fee Review on Record 22-115
Jun 28, 2022 at 12:04 pm	Karen Elgin changed Number of Posters from "" to "1" on Record 22-115
Jun 28, 2022 at 12:04 pm	Karen Elgin changed Public Notice Costs from "0" to "1" on Record 22-115
Jun 28, 2022 at 12:04 pm	Karen Elgin changed Public Notice Costs from "1" to "16" on Record 22-115
Jun 28, 2022 at 12:04 pm	Karen Elgin changed Number of Postcards Sent from "" to "15" on Record 22-115

Timeline

Label	Status	Activated	Completed	Assignee	Due Date
 Fee Review	Complete	Jun 27, 2022 at 4:01 pm	Jun 28, 2022 at 11:43 am	Karen Elgin	06/28/2022
 Application Fee	Active	Jun 28, 2022 at 11:43 am	-	-	-
 Intake Review	Inactive	-	-	-	-
 Land Use Tech Review	Inactive	-	-	-	-
 Case Assignment	Inactive	-	-	-	-
 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	-	-	-	-
 Permit Issuance	Inactive	-	-	-	-
 Final Inspection	Inactive	-	-	-	-

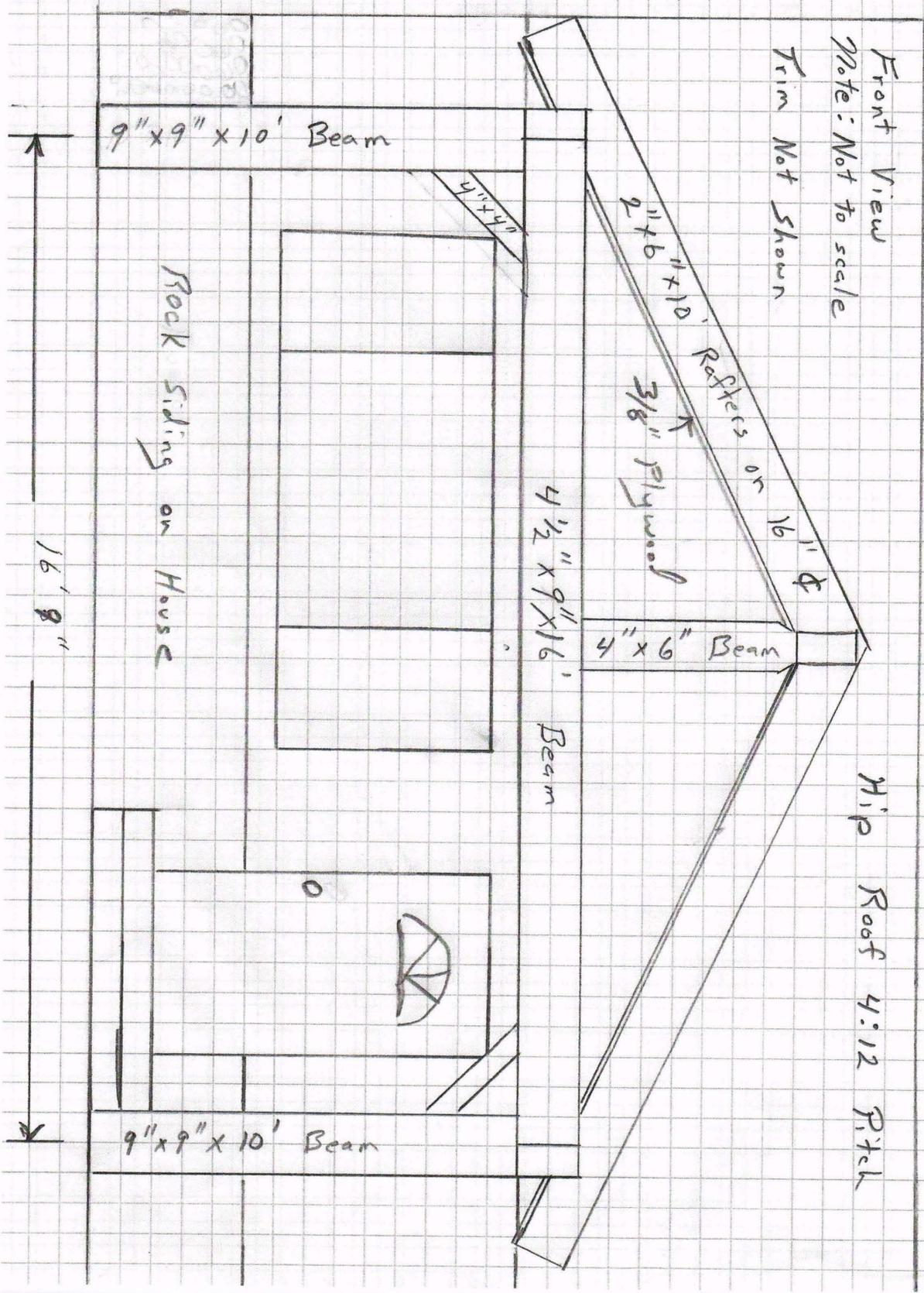
Exhibit I. Supporting Documents





Legal: Lot 7 Blk 19 Lynn Gardens 4th Overgreen

Front View
Note: Not to scale
Trim Not Shown



Owner: Graen
Legal: Lot 7 BLK 19 Lynn Gardens #12

2 - Footings 14" x 14"

Note: Not to Scale

