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Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

ZBA-22-41

Hearing Date: 8/23/2022

TO: City of Pueblo Zoning Board of Appeals
FROM: Theron Verna, Planner
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 1102 LAKE AVE 81004-2844 PUEBLO CO
APPLICANT: Sarah Burch
PROPERTY OWNER: Sarah Burch
YEAR BUILT: 1900
LEGAL DESCRIPTION: LOTS 17 + 18 BLK 6 COLLEGE HILL SUB 2ND
ZONE DISTRICT: One and Two-Family Residential (R-3) District

PARCEL ID: 1501325008

LOT SIZE: 1903 sq. ft.

REQUEST:	Variance to reduce the prevailing second front yard ten foot setback from ten feet (10') to five feet (5') in a One and Two-Family Residential (R-3) Zone District
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SYNOPSIS OF REQUEST

The applicant, Sarah Burch, intends to construct a 512 square foot swimming pool on the northern side of her property. The property is a corner lot with frontage along Lake Avenue and Arroyo Avenue. The prevailing front yard pattern on Lake Avenue establishes the setback at 20'. According to Section 17-2-1 (61) (2), the second front setback is set at half the depth required for the front setback. Therefore, the second yard setback for 1102 Lake Ave is 10'. The applicant plans to place the proposed pool 5' from the property line. Therefore, the applicant is applying for a variance to reduce the prevailing second front yard ten-foot setback from ten feet (10') to five feet (5') in a One and Two-Family Residential (R-3) Zone District.

ANALYSIS OF REQUEST

The applicant plans to place the swimming pool in an area that will be bordered by a 6' privacy fence. The applicant states that without an approved variance, they would need to move the location of the pool, resulting in tearing out a concrete patio and moving all their sod and sprinkling system. They state that it would also cause the pool to be located such that it would be between their house and shed. This is the location where they would eventually like to put a garage. If they were to place the pool between the house and shed, they would need to walk around the pool to get to the current shed/future garage.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Mixed Residential (R-4) District	Single Family Residence
East	Mixed Residential (R-4) District	Single Family Residence
South	One and Two-Family Residential (R-3) District	Single Family Residence
West	One and Two-Family Residential (R-3) District	Single Family Residence

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 F). 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 addition of a pool to this property is not anticipated to create a nuisance, assuming noise levels from activities are kept under control. The addition of the pool may add value to the property and surrounding properties.

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 jeopardize transportation or land use regarding the district in which this property is located.

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

Comments: Neutral Finding. There are other areas on the property outside of setbacks that have the potential to be a pool site.

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. There are corner lots in the district that have similar disadvantages regarding second front setback standards. However, there are also other corner lots in the district that have legal non-conforming structures within the side setbacks of their respective districts.

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: 8/23/2022	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 8/23/2023
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

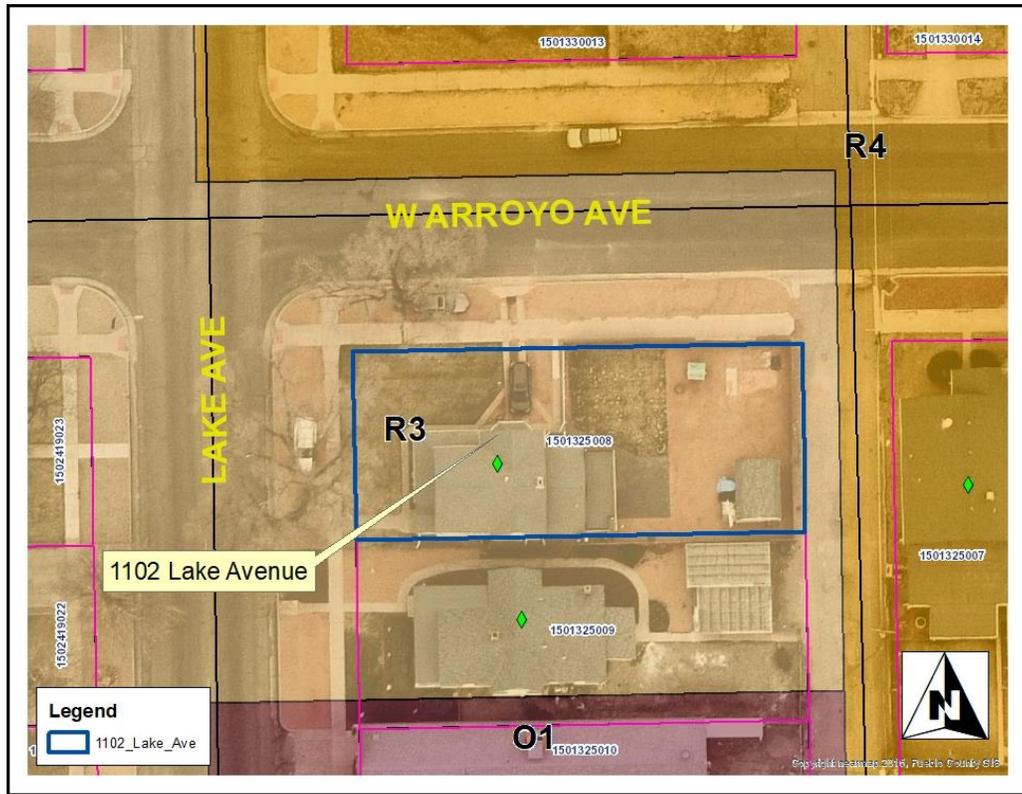


Exhibit E. Comprehensive Plan Map

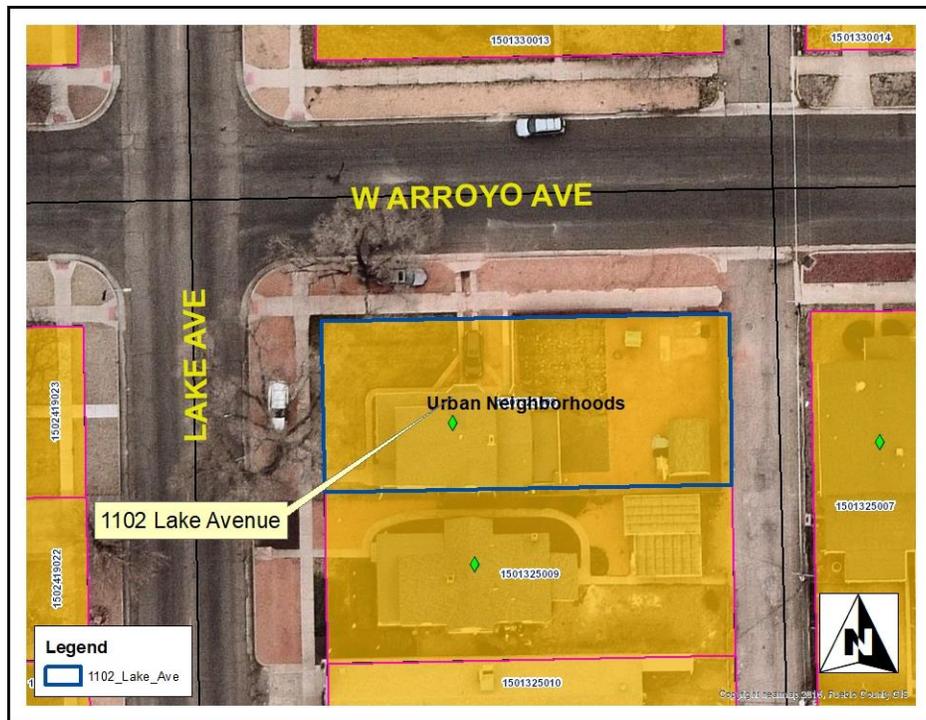


Exhibit F. Public Notice

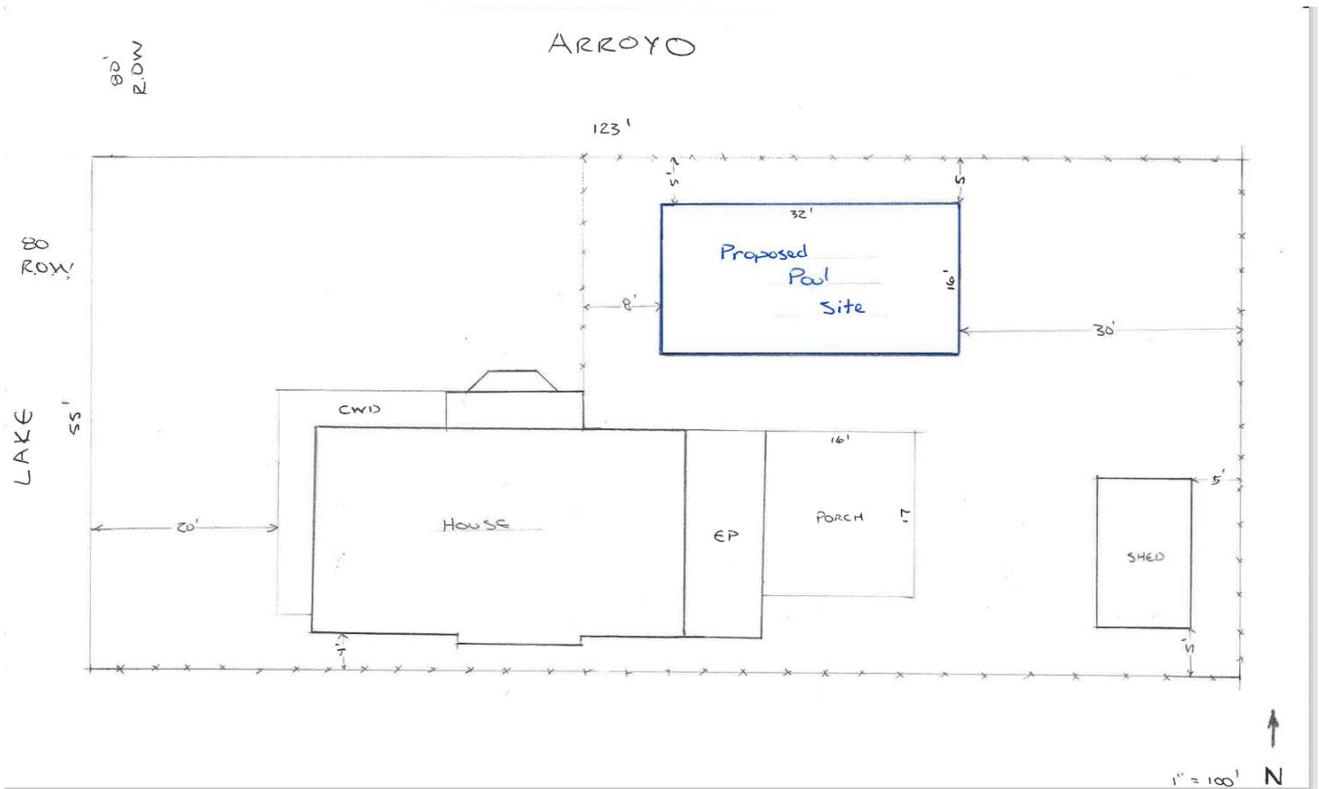


G. Site Pictures





Exhibit H. Application



Date: 8/4/2022

CAMA Acct. Number
1501325008

PUEBLO COUNTY Real Property Record Card

Parcel Number
1501325008

Property Address
1102 LAKE AVE - PUEBLO, CO 81004-2844

Owner Information
BUPC0001 - BURCH SARAH E
1102 LAKE AVE - PUEBLO, CO 81004-2844

Property Information

Tax District Code 608
Tax District Description 608
Neighborhood 110 - STATE FAIR + COLLEGE HILL
Sub-Room Area
Room Area 5
Mill Levy 97.705000

Short Legal Description
Section Township Range:
LOTS 17 + 18 BLK 6 COLLEGE HILL SUB 2ND

Valuation Summary

Actual Value	Assessed	Valuation Method
21,224	1,480	Mixed
Improvements 240,525	16,720	
Total Value 261,749	18,200	

Current Valuation

Type	Seq	Abstract Code	Method	Actual Value	Override Value	Rate	Assessed Value
IMP	461	1112 - SINGLE FAM	Ovrd	240,525	240,525	0.00	16,720
LAND	788	1112 - SING FAM R	Cont.	21,224	0		1,480

Valuation History

Tax Year	Property Type Code	Land Actual	Imp Actual	Total Actual	Total Assessed
2022	RL	21,224	240,525	261,749	18,200
2021	RL	21,224	240,525	261,749	18,200
2020	RL	7,700	66,562	74,262	5,310
2019	RL	7,700	66,562	74,262	5,310
2018	RL	7,700	66,562	74,262	5,340

Sales / Transfer History

Sale Date	Bk / Pg or Doc #	Grantor	Grantee	Deed Type	Amount	Sales Notes
03/06/2020	2171819	MORAN JOHN	BURCH SARAH E	GENERAL WARRANTY DEED	229,900	4/29/20 Sales Review "1" sale adj yr
12/11/2018	2123387	E R W HOLDINGS INC	MORAN JOHN	QUIT CLAIM DEED	0	
03/22/2017	2066126	WOFF TYSON	E R W HOLDINGS INC	SPECIAL WARRANTY DEED	50,000	
08/11/2016	2045440	AMERICAN PRIDE PROPER	HOFF TYSON	SPECIAL WARRANTY DEED	49,500	
02/16/2016	2030083	R E O AMERICA	AMERICAN PRIDE PROPER	QUIT CLAIM DEED	4,600	
12/30/2015	2025360	WODES WILLIAM F + R	R E O AMERICA	TREASURERS DEED	0	

Land Valuation Data

Class	Method	Act. Front	Eff. Front	Act. Depth	Eff. Depth	Units	Acres	SF	Base Value	Adjustments	Adj. Value	Final Value
Res	Per Square Fo	55.00	0.00	123.00	0.00	1	0.16	6,765	0.00		0	21,224

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PUEBLO COUNTY Real Property Record Card

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Improvement Sketch

Photos

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PUEBLO COUNTY Real Property Record Card

Parcel Number
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Improvement Details

Improvement Detail

Impl Type	Dwelling Type	Total	Full	Half	Bedrooms	Total Regs	Total Depr	Imp	Per	Final
1	Single-Family Residence 1/4 Bstory Fin	1,903	2	0	3	236,771	175,210	1.20	1.00	240,525

Section Detail

Impl Sec#	Section Type	Style	Floor Area	Year Built	Eff. Year	Quality	Condition	Repl Cost	Phy Degr	Func Degr	Extr Degr	Depr Cost
1	1	Main Home	1,903	1900	1970	Average	Average	236,771	26	0	0	175,210

Component Detail

Impl Sec#	Comp#	Component Type	Percent	Input 1	Input 2	Input 3	Input 4	Year Built	Typical Life	Repl Cost	Depr Cost
1	1	Masonry Common Brick	100							131,022	96,956
1	2	Composition Shingle	100							4,566	3,384
1	3	Forced Air Furnace	100							7,308	5,408
1	4	Automatic Floor Covers Allowance	0							7,703	5,759
1	5	Automatic Appliance Allowance	0							3,347	2,477
1	6	Plumbing Fixtures	0	13,000						16,968	12,570
1	7	Total Basement Area	0	940,000						20,285	15,011
1	8	Enclosed Porch, Solid Walls	0	176,000						7,353	5,441
1	9	Wood Deck with Roof	0	152,000						5,034	3,725
1	10	Partition Finish Area	0	880,000						24,534	18,155
1	11	Raised Subfloor	0	960,000						8,533	6,314

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PUEBLO COUNTY Real Property Record Card

Parcel Number
1501325008

Acresage Summary

Abstract	Soil Class	Subclass	Rate	Acresage
1112 - SING FAM RES LAND			0.00	0.16
Total Acresage				0.16

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